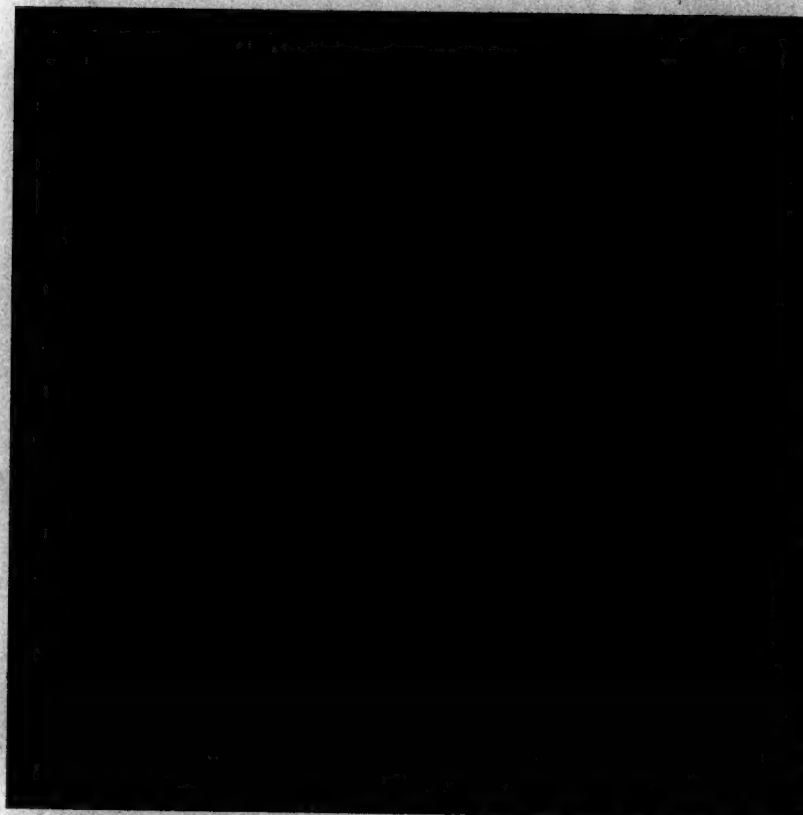
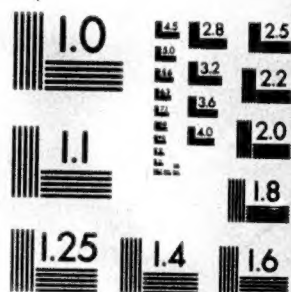
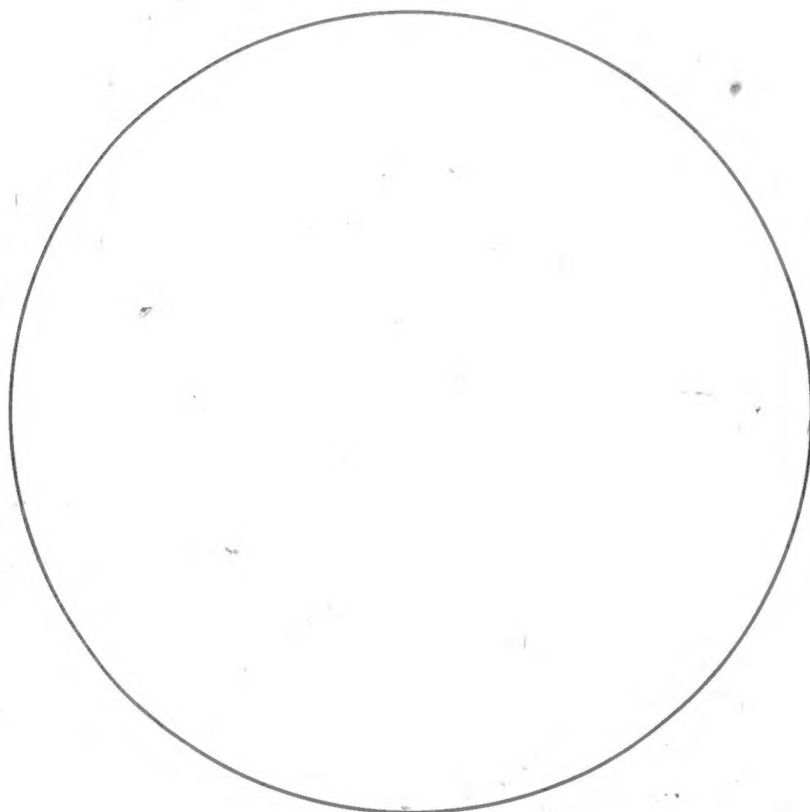
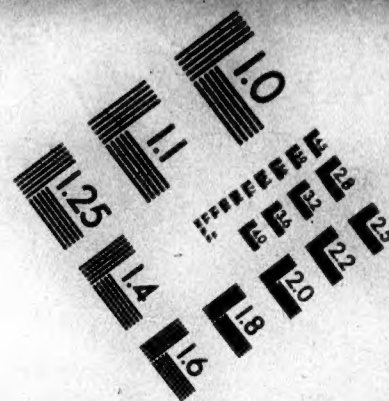
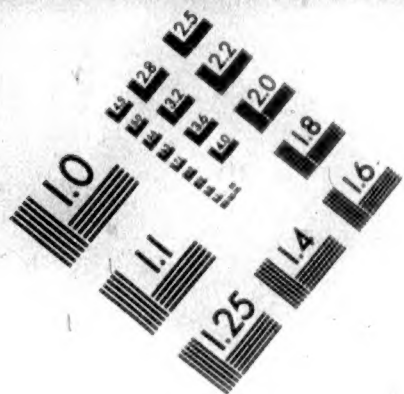


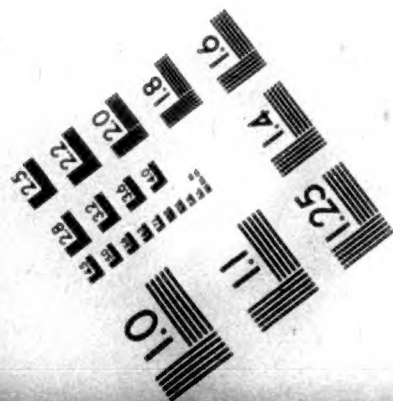
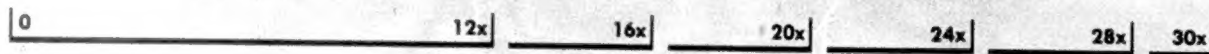


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 295

CHEROKEE FREEDMEN 1386 - 1424

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON 1963

Cher Fr 1386

Trans. from D88

see Cher Fr D85, D86, D89, D998,
D1339

Cher Fr 1386

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

FILED
APR 16 1901

 ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 16 1901

Post Office Cottonwood

District Seg.

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Name of wife *Nellie McLean* Age *28*

Owners name _____ Citizenship _____

Year *K.C.* Page *111* No. *2783* District *Ill*

Parents:

Father *Sam. Starr* Citizenship *Ill*

Mother *Nancy Starr* Citizenship *Ill*

Names of Children:

2	Leo McLean	Year	K.C.	Page	111	No.	2784	Dist.	Ill	9
3	Manie "	Year		Page		No.		Dist.		7
4	Cassie M. "	Year		Page		No.		Dist.		4
5	Annie Starr	Year	K.C.	Page	112	No.	2784	Dist.	Ill	19
6	George "	Year		Page		No.		Dist.		16
7	Turner Starr	Year		Page		No.		Dist.		13
8	Francis Wilson	Year	K.C.	Page	178	No.	4369	Dist.	(no dist)	7
9	William B. - do -	Year		Page		No.		Dist.		4
10	Ernest - do -	Year		Page		No.		Dist.		2
12.		Year		Page		No.		Dist.		

Application made by

No 11

Stenographer

Green M. D.

- (1) in K C Rolls "Nellie McLean"
- (2) in K C. "Lea McLean"
- (5) in K.C. "Ann Starr"
- (3) Affidavit of Birth to be filed
- (4) " " " " " "
- (6) " " " " " "
- (7) " " " " " "
- (9) " " " " " "
- (10) " " " " " "

FILED

To be filed in case of Nellie McClain, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I T., April 16, 1901.

In the matter of the application of Samuel H. Starr for the enrollment of himself and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Samuel H. Starr.
Q How old are you? A 26.
Q What is your post-office address? A Cottonwood.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee Nation as a Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir, I don't guess it is.
Q Why? A I don't know.
Q Who do you desire to enroll besides yourself? A Three children.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sadie Starr.
Q Is she a citizen? A No sir.
Q What are the names of your children? A Sallie.
Q How old is Sallie? A Five years old.
Q What is the name of the next one? A Lillie.
Q How old is Lillie? A Three.
Q Name of the next one? A Leona.
Q How old is Leona? A Ten months old.
Q What was your father's name? A Sam Starr.
Q Is he living? A No sir.
Q Your mother's name? A Nancy Starr.
Q Is she living? A Yes sir.
Q Where were you born? A Cherokee Nation, Sequoyah.
Q Have you ~~xxxx~~ lived there all your life? A Yes sir.
Q Never lived anywhere else? A No sir.
Q You say your name is not on the roll of 1880? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and name of applicant is not found thereon.

- Q Your mother not on the 1880 roll either? A No sir, I don't reckon.
Q What isn't she on? A I don't know.
Q Is she living? A Yes sir.
Q Was she a slave? A They say she was.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's mother not identified thereon.

- Q By what right do you claim to be a freedman; you are not on the roll, nor your mother is not on? A I am on the other rolls they have got here I reckon.

NANCY STARR, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Nancy Starr.
Q How old are you? A 52.
Q What is your post-office address? A Cottonwood now.
Q Are you a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities?
A No sir.
Q Why? A Well, they just didn't recognize me.

- Q Were you a slave during the war? A Yes sir.
- Q What was your owner's name? A Walk Mayfield.
- Q Where were you during the war between the United States and the Confederacy? A We was out ~~in~~ here ~~in~~ in the United States during the war; we was in Texas until peace was made.
- Q When did you come back from Texas? A We never come back until the next year after peace was made.
- Q What year was that? A I don't know; next year after peace was made, in the winter.
- Q You have been living here ever since? A Yes sir.
- Q Is Sam Starr your son? A Yes sir.
- Q Where was he born? A He was born down there in Sequoyah; all of my children.
- Q He was born after you come back from Texas? A Yes.
- Q Did you ever apply to the Cherokee authorities to be enrolled as a Freedman? A I never; my father did.
- Q Did you draw what was known as the Strip money in 1896?
- A Yes sir.
- Q Cherokee Strip money, you drew that did you? A Wasn't that the Clifton roll?
- Q Yes.? A Yes sir.

Examined by Cherokee Representative, W.W. Hastings:

- Q Your father's name was Henry West? A Yes sir, his name was Henry Mayfield, and when peace was made the colored people had to change their names, and he changed his name to Henry West; that was my father; he belonged to Walk Mayfield.
- Q He came back from the south with Walk Mayfield? A Yes sir.
- Q When were you married to Sam Starr? A Twenty years before he was killed.
- Q Did he come back when you did? A I don't know nothing about it; he was here when I come; I don't know nothing about when he come.
- Q You know what month of the year you come in, was it April?
- A No, I come back here in the winter; snowy, sleety; it was cold;
- Q You came back with your father, Henry West? A Yes sir.
- Q You say your father did apply to the Cherokee Nation for citizenship? A Yes sir. He applied for citizenship.

Examined by Commissioner Needles:

- Q You don't know what year it was you come back? A I come back here next year after the war, in the winter.
- Q When was the war over; was you here in '66? A They said it was '66, but of course I didn't know one year from the other; they said it was '66; my old boss told my father it was; I heard them talking about it.

Examined by Cherokee Representative, W.W. Hastings:

- Q How long did your boss live after the war? A I don't know.
- Q About how many years? A I have no idea; long time.
- Q Good number of years? A Yes sir.

Applicant, SAMUEL H. STARR, re-called, and further examined by Commissioner Needles:

- Q Sam, you always been living in the Cherokee Nation, all your life? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined and name of applicant not found thereon.

- Q Did you draw your Strip money? A Yes sir.

Samuel H. Starr et al 3

Kerns-Clifton Pay roll of citizens of the Cherokee Nation examined, page 112 #2792 Sam Starr, Illinois District.

NANCY STARR, witness, recalled, and further examined by Commissioner Needles:

Q You married Sam's father after you come back? A Yes sir, I disremember how many years I was back here when I married him; I was married to him twenty years.

Q How long has Sam Starr been dead, your husband? A Eight years.

1880 authenticated roll of citizens of the Cherokee Nation examined, and name of applicant's father not found thereon.

Q His name don't appear to be on the 1880 roll either? A (N. reply)

D.M. FAULKNER, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A D.M. Faulkner.

Q What is your age? A About 59.

Q Are you a Cherokee citizen? A Yes sir.

Q By blood? A Yes sir.

Q What is your post-office address? A Hanson.

Q You know Nancy Starr, mother of Sam Starr? A Yes sir.

Q You know when she returned from Texas after the war? A Well, I couldn't say for certain; there was some of old Henry West's family returned in April, '67; she was always said to be Henry West's daughter.

Q Henry West was her father? A Yes sir.

Examined by Cherokee Representative, W.W. Hastings:

Q Your first wife was related to Walk Mayfield? A Yes sir, that was her uncle.

Q And she was teaching school in Sequoyah District in the spring of 1867? A Yes sir.

Q And Walk Mayfield, when he came back from Texas, returned to Sequoyah? A Yes sir.

Q I would like for you to explain why you know when Walk Mayfield came back here? A Henry West come in with Walk Mayfield in '67; he returned from Texas; and I went over there with, - well, she was Rachel L. Adair then, afterwards my wife; I went with her over there just after they was there, and Henry West was there; just had come in with Mayfield.

Examined by Commissioner Needles:

Q That Henry West was the father of Nancy Starr? A Yes sir, that's my understanding.

NANCY STARR, witness, recalled, and further examined by Commissioner Needles:

Witness: We come here in the winter just after the war; we staid there in the bottom before we ever come up on the hill; we staid in camps.

Q Did you come back with Henry West when he came back? A Yes sir, I come back with him.

Examined by Cherokee Representative, W.W. Hastings:

Samuel H. Starr et al 4

Q And you came back with Walk Mayfield? A Yes sir. Come back here next year after peace; I don't know what you call it.

Examined by Commissioner Needles:

Q What time in the year? A It was in the winter, it was freezing cold, and snowey.

Q In the spring? A We didn't come back in the spring; we come back in the winter.

HARRY STARR, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Harry Starr.

Q How old are you? A I don't know.

Q Somewhere about 49 or 50 I reckon.

Q What is your post-office? A Ft. Gibson.

Q Are you a Cherokee Freedman? A Yes sir.

Q Recognized as such by the Cherokee Nation? A Yes sir.

Q You know Samuel H. Starr? A Yes sir.

Q Did you know his father? A Yes sir, he was my brother.

Q What was his father's name? A Sam.

Q Was he a slave during the war? A Yes sir.

Q What was his owner's name? A Lila and Ellis; master named Ellis and mistress named Lila.

Q Did Sam Starr go out of the Cherokee Nation during the war? A Yes sir.

Q Where did he go to? A Down in the Chickasaw and Choctaw Nation.

Q Get any further than that? A No sir.

Q When did he come back here to the Cherokee Nation? A Come back the year peace was made.

Q You his brother? A Yes sir.

Q Why wasn't he recognized by the Cherokee authorities as a Cherokee citizen? A Why, him and a fellow differed I believe in a election, and they refused to put him on the roll in the year '75, and after that time he never did go to enroll any more until he went before Wallace.

Q You say he never did go out of the Nation during the war? A I told you he did; he went down in the Chickasaw Territory

Q He never went out of the Territory? A No sir.

Q Did you go with him down there? A I went with my owners down there.

Q Did you go with Sam? A Yes sir.

Q Did you come back with Sam? A Yes sir.

Q You and he come back together? A Yes sir.

Q Is your name on the roll of 1880? A It is; and on the roll of '75, too. It's on all of them I reckon; it ought to be there.

Examined by Cherokee Representative, W.W.Hastings:

Q Who else came back with you, Harry? A All of these folks, here, Joe and Sarah; Joe Johnson and Sarah Wilson out here.

Q Did any of the Cherokee Starrs come back with you? A No they didn't; we left them down there.

Q Which ones did you leave down there? A Left the ones I belonged to.

Q Who are they? A Lila.

Q Who else? A Lila.

Q Did you leave any body else down there? A Left her children.

Q What was their names? A Mollie and George.

Q Any of them alive now? A No; they are all dead.

Q What part of the Cherokee Nation did you come back to? A Sequoyah District.

- Q What part of Sequoyah? A Down there where I used to live.
Q Where is that? A Down there in that Dr. Bell place on the River.
Q That the first point you come to when you come from the south?
A No, come through Ft. Smith.
Q I mean in the Cherokee Nation? A Yes.
Q How long did you live in the bottom after you first came back?
Q I lived there until I come on up here.
Q Well, how long was that? A I come, I don't know; it has been 25 or 3 or 7 years.

Examined by Commissioner Needles:

- Q Was Sam Starr, father of Samuel H. Starr? A Yes sir.
Q What was the name of Samuel H. Starr's mother? A Nancy.
Q Were they married? A They lived together as man and wife.
Q How long, to your knowledge? A Lived together until he was killed, about eight years ago.
Q About when did they commence living together? A I couldn't tell you.
Q Was Sam H. born while they were living together? A Oh yes sir; All the children were born while they were living together.
Q They lived together as man and wife? A Yes sir.
Q Recognized by the community as man and wife? A Yes sir.
Q You know why Sam H. Starr's name is not on the roll of 1880?
A Why him and a fellow differed in election, as I said.
Q I thought that had reference to the old man? A His daddy; he went to enroll and they differed in election, and of course he never tried to enroll any more until he went before Wallace.
Q For himself or his children either? A No sir.

JOSEPH JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Joseph Johnson.
Q What is your age? A About 50 or 51.
Q What is your post-office? A Muskogee.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir, on all rolls.
Q Do you know Sam H. Starr? A Yes sir.
Q How long have you known him? A From his youth and my youth up. We both belonged to the same man.
Q I mean this Sam here? A I have known him from childhood.
Q You knew his father? A Yes sir.
Q What was his father's name? A Sam Starr.
Q Was Sam Starr a slave? A Yes sir.
Q What was his owner's name? A Ellis Starr and Lila Starr; Lila was from the Johnson family.
Q You know where Sam ~~Starr~~ H. Starr's father was during the war with the Confederacy? A Yes sir.
Q Where? A In the Choctaw Nation, near Blue.
Q Were you with him? A Yes sir.
Q What relation are you now? A Well, said to be cousins by father.
Q When did Old Sam Starr come back ~~to the~~ from the Choctaw Nation to the Cherokee Nation? A Well, we returned here claiming to be '65; that's what the people told us.
Q Did Old Sam Starr, ~~father of Sam H. Starr, come back to the country, that~~ ~~was~~ live in the Cherokee Nation then until his death? A Yes sir.
Q You returned with him? A Yes sir.
Q You and Sam Starr, father of Sam H. Starr, returned then at the same time? A Yes sir.
Q Who was your owner? A Ben Johnson, father of Lila Starr.

Q Who was your owner? Ben Johnson, father of Lila Starr.

Examined by Cherokee Representative, W.W. Hastings:

Q You come back with them, did you? A Yes sir.
Q To what point did you return? A We come to Ft. Smith first, and from there over to the old Vann place; now the Bell place.
Q Who was living on that place when you first come back? A No one at that time.
Q Was there any Cherokees in that community at all? A The only family ~~xxx~~ we struck that we knew there was the King family.
Q None of them living now? A I don't know.
Q None that you know of? A None that I know of.
Q What are the first Cherokees you remember seeing there? A An old Indian named Crying Bear.
Q He is not living? A I couldn't tell you.
Q How long did you stay there? A We staid there ten years before I left there.
Q What other Cherokees besides these you have mentioned came in there? A These I have mentioned were there at the time; I don't remember any others.
Q Did any Cherokees come back with you from the south? A No sir, we hoofed it with our bundles on our backs; there was no wagons or horses; nothing but a dog, and I packed a couple of chickens under my arm from Blue.

Examined by Commissioner Needles:

Q You first come to Ft. Smith? A Yes sir.
Q How long did you stay in Ft. Smith? A We staid there one week, and then come over.

DENNIS BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Dennis Bean.
Q What is your age? A About 42 I guess.
Q What is your post-office address? A Muldrow.
Q Are you a Cherokee Freedman? A Yes sir.
Q Recognized by the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q You know Sam H. Starr, the applicant? A Yes sir.
Q Did you know his father? A Yes sir.
Q What was his name? A His name was Sam Starr.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Lila Starr.
Q You know where Sam Starr, father of the applicant, was during the war between the United States and the Confederacy? A Well, I don't know as I do; I know where he was in '66.
Q Well, where was he in '66? A He was ~~xxx~~ down here close to Ft. Smith, on this side of the river.
Q Was that the first time you knew him? A Yes sir.
Q First time you knew old Sam Starr was in '66? A Yes sir.
Q You didn't know him before that? A I might have saw him.
Q Did he live in the Cherokee Nation until his death from that time? A Yes sir.

ALBERT JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Albert Johnson.
Q How old are you? A 43
Q What is your post-office address? A Bengo.
Q Are you a Cherokee Freedman? A Yes sir, I am a Cherokee Freedman

- Q Is your name on the roll of 1880? A Yes sir.
- Q You know Sam H. Starr, the applicant here? A Yes sir, I know him.
- Q How long have you known him? A I have been knowing him ever since he was born.
- Q Did you know his father? A Yes sir.
- Q What was his father's name? A Sam Starr.
- Q You know where the applicant's father, Sam Starr, was during the war between the United States and the Confederacy? A He was down in the Choctaw Nation, some place, is all I know.
- Q Was you with him? A No sir, I wasn't right with him then.
- Q You know when he returned to the Cherokee Nation? A Yes sir, he come when we all did.
- Q When was that? A In '65.
- Q You come with him? A Yes sir, we all come together; well, not exactly together; he was just about a week ahead of us; me and my mother and two sisters.
- Q You found him when you got here? A Yes sir, he was on Poteau.
- Q Over on the Cherokee side? A No sir, over on Poteau on the Ft. Smith side; well, I guess it must have been the Choctaw side; I don't know where exactly.
- Q When did he go on the Cherokee side, do you remember that?
- A He was over there often and on all the time, working at Mrs. Stonerow's.

APPLICANT, Samuel H. Smith, re-called, and further examined by Commissioner Needles, stated:

- Q Is your wife a citizen? A No sir.
- Q Have you got any proof of marriage? A Yes sir.
- Q Have you a certificate of marriage? A No sir.
- Q Who married you? A Elder Turner.
- Q Is he living? A Yes sir.
- Com'r: You can get a certificate from him, and file with us then.
- Q What was her name? A Sadie Hutchings.

Commissioner Needles: The name of Samuel H. Starr is not found upon the authenticated roll of 1880 nor the census roll of 1896; his name is found upon the Kerns-Clifton roll; he applies to be enrolled as a Cherokee Freedman; he avers that he was married to one Sadie Hutchings, a non-citizen, and of said marriage he has three children, Sallie, Lillie and Leona; he claims that he is a son of Nancy and Samuel Starr; the names of neither his father, Samuel, nor his mother Nancy are found upon the authenticated roll of 1880; he makes satisfactory proof as to the marriage of his father Samuel Starr, to his mother, Nancy, and he claims citizenship through the right of his father, Samuel. Satisfactory testimony is given as to the citizenship of his father, ~~Samuel~~ and he is duly identified as the son of Samuel Starr, by his wife, Nancy; now comes the Cherokee Nation and protests against the enrollment of Samuel H. Starr and his children, on legal grounds, but do not deny the fact that satisfactory proof has been made as to the said Samuel H. Starr being the son of Samuel Starr, and that Samuel Starr returned to the Cherokee Nation within the time specified by law, and that said Samuel Starr was a slave of a Cherokee citizen; said Samuel H. Starr is duly identified; the Commission is satisfied as to his rights to enrollment as a Cherokee Freedman, but because of the protest of the Cherokee Nation, purely on legal

Samuel H. Starr et al 8

grounds, as to this case, the final judgment as to the enrollment of said Samuel H. Starr and his three children, Sallie Lillie and Leona, will be suspended, and their names will be placed upon a doubtful card; and it will be necessary for said Samuel H. Starr to file with this Commission satisfactory proof of birth as to his three children, their names not appearing upon any of the rolls, and also certificate of marriage as to his marriage between himself and his present wife, Sadie, Hutchings.

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 this April 17, 1901.

C. R. Harrison
Commissioner.

Cherokee Freedman

31386

199

R. F. F.

IN RE

Application for Enrollment of

in fact

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Is
Thomas Starr.....

as a citizen of

Cherokee..... Nation.

Approved *April 11*..... 190*1*.

H. R. Breckenridge.....

Commissioner.

Department of the Interior
Commission to the
Five Civilized Tribes

Filed April 11 - 1901

James Dickson

acting chairman

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 George Starr, born on the 7th day of August, 1895.
(Here insert name of child.)
Name of Father: James Starr a citizen of the Cherokee Nation.
Name of Mother: Mrs. Nellie S. Starr a citizen of the Cherokee Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Leathem, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Leathem District.

I, Nellie S. Starr on oath state that I am 28
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of James Starr, who is a citizen, by
U.S. Seal, of the United States Nation; that a male child was
(Male or Female)
born to me on 7th day of August, 1895; that said child has been named
George Starr and is now living
and was living March 4, 1906.

Nellie S. Starr

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Seal

Subscribed and sworn to before me this 11th day of April, 1906.

J. P. [Signature]

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Leathem District.

I, Judith Chambers, a midwife, on oath state that I
attended on Mrs. Nellie S. Starr, wife of James Starr,
on the 7th day of August, 1895; that there was born to her on said date a male
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named George Starr.

Judith Chambers

WITNESSES TO MARK:

[Must be Two Witnesses] { James Starr
James Starr

Seal

Subscribed and sworn to before me this 11th day of April, 1906.

J. P. [Signature]

Notary Public.

Cherokee Freedman

81386 190 8.98

IN RE

Application for Enrollment of

^{Infant}

~~MINOR~~ CHILD

Act of Congress Approved

April 26, 1900.

Maxie M. Laine.....

as a citizen of

Cherokee..... Nation.

Approved April 17, 1901.

R. B. Greer
Commissioner.

Department of the Interior
Commission to the
Five civilized Tribes
Filed Apr 1901

James D. Dickey
Acting Chairman

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 Ellaxie Mc Sain, born on the 8th day of August 1904.
[Here insert name of child]
Name of Father: Telex Mc Sain a citizen of the U.S. Nation.
Name of Mother: Stellie Mc Sain a citizen of the Cherokee Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Cottonwood, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Northern District. }

I, Stellie Mc Sain, on oath state that I am 28
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Telex Mc Sain, who is a citizen, by
U.S., of the United States Nation; that a Male child was
[Male or Female]
born to me on 8th day of August, 1904; that said child has been named
Ellaxie Mc Sain and is now living
and was living March 4, 1906.

Stellie Mc Sain

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 14th day of April, 1906.

D. P. Beador

Notary Public.

(Seal)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Northern District. }

I, Judith Chambers, a midwife, on oath state that I
attended on Mrs. Stellie Mc Sain, wife of Telex Mc Sain,
on the 8th day of August, 1904; that there was born to her on said date a Male
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Ellaxie Mc Sain

Judith Chambers
Mark

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 14th day of April, 1906.

D. P. Beador

Notary Public.

(Seal)

Cherokee Freedman

87386

199

E. 78

IN RE

Application for Enrollment of

MINGO CHILD

Act of Congress Approved
April 20, 1900.

William B. Wilson

as a citizen of

Cherokee Nation.

Approved April 17, 1901.

C. F. Burkholder

Commissioner.

Department of the Interior
Commission to The Two
Carolinas Tribes.
Filed April 17-1901

James B. Dixby
acting Chairman

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1900.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of William B. Wilson, born on the 3 day of Oct 1896
(Here insert name of child)
Name of Father: E. of Wilson a citizen of the U.S. Nation.
Name of Mother: Drene Wilson a citizen of the Cherokee Nation.
Tribal enrollment of father..... Tribal enrollment of mother.....
Postoffice: Katonwood, D.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.
I, Kellie Mc Sain on oath state that I am 28
years of age and a citizen by birth of the Cherokee Nation;
that I am the lawful wife of Felix Mc Sain, who is a citizen, by
W. Stat of the United States Nation; that a male child was
Drene Wilson born to me on 3 day of Oct 1896; that said child has been named
William B. Wilson and is now living
and was living March 4, 1900.

Kellie Mc Blair
(Seal)

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 17 day of April 1900.

J.P. Bledson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.
I, Julia Davis, a mid wife, on oath state that I
attended on Mrs. Drene Wilson, wife of E. of Wilson
on the 3 day of Oct 1896; that there was born to her on said date a male
child; that said child and is now living was living March 4, 1900, and is said to have been named William B.
Wilson

Julia Davis
her mark
(Seal)

WITNESSES TO MARK:

[Must be Two Witnesses] { W.D. Mc R...
and Jones

Subscribed and sworn to before me this 17 day of April 1900.

J.P. Bledson
Notary Public.

Chas. W. Freedman

81386 199 D.88

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1900.

Cassie M. McLean

as a citizen of

Cherokee Nation.

Approved April 17 1901.

L. R. Breckinridge
Commissioner.

Department of the Interior
Commission to the
Five Civilized Tribes

Filed April 17, 1901

James T. Saxeby
Acting Chairman

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 Cassie Mc Lain, born on the 4 day of April, 1897
(Here insert name of child)
Name of Father: Felix Mc Lain a citizen of the U. S. Nation.
Name of Mother: Kellie Mc Lain a citizen of the Cherokee Nation.
Tribal enrollment of father..... Tribal enrollment of mother.....
Postoffice: Bottomwood, Ia

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Kellie Mc Lain on oath state that I am 28
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Felix Mc Lain, who is a citizen, by
U. S. of the United States Nation; that a Female child was
(Male or Female)
born to me on 4 day of April, 1897; that said child has been named
Cassie Mc Lain and is now living
and was living March 4, 1906.

Kellie Mc Lain


WITNESSES TO MARK:

[Must be Two Witnesses] {

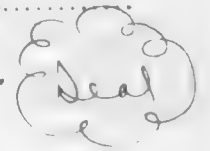
Subscribed and sworn to before me this 17 day of April, 1906.

J. P. Beeson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Mary Starr, a midwife, on oath state that I
attended on Mrs. Kellie Mc Lain, wife of Felix Mc Lain
on the 4 day of April, 1897; 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 Cassie Mc Lain
and was living March 4, 1906.

Mary Starr


WITNESSES TO MARK:

[Must be Two Witnesses] { A. J. Mc Res
A. W. Jones

Subscribed and sworn to before me this 17 day of April, 1906.

J. P. Beeson
Notary Public.

Chera Kee Goodman

No 109 D. 78

IN RE

Application for Enrollment of

^{in fact}
~~MINOR CHILD~~

Act of Congress Approved
April 26, 1900.

Ernest Wilson

as a citizen of

Chera Kee Nation.

Approved April 17, 1901.

B. R. Breckinridge
Commissioner.

Department of the Interior
Commission to the
Five Civilized Tribes

Filed Apr 17 - 1901

James B. ...
acting chairman

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 Ernest Wilson, born on the 14 day of Oct 1898.
[Here insert name of child]
Name of Father: Ed Wilson a citizen of the U.S. Nation.
Name of Mother: Kellie M. Sain a citizen of the Cherokee Nation.
Tribal enrollment of father..... Tribal enrollment of mother.....
Postoffice: Cottonwood 25

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, Kellie M. Sain on oath state that I am 28
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Felix M. Sain, who is a citizen, by
U.S. of the United States Nation; that a Male child was
[Male or Female]
born to me on 14 day of Oct, 1898; that said child has been named
Ernest Wilson and is now living and was living March 1, 1906.

Kellie M. Sain

WITNESSES TO MARK:

[Must be Two Witnesses] {

Ed

Subscribed and sworn to before me this 17 day of April 1907.

J.P. Sedor
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Northern District. }

I, Julia Davis, a midwife, on oath state that I
attended on Mrs. Kellie M. Sain, wife of Felix M. Sain
on the 14 day of Oct, 1898; 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 Ernest Wilson

Julia Davis
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Ed
Ann Jones

Ed

Subscribed and sworn to before me this 17 day of April 1907.

J.P. Sedor
Notary Public.

~~701239~~ ~~4568~~

7/13/03

IN RE

Application for Enrollment of

INFANT CHILD

Rosa M^o Lain

as a citizen of

Cherokee Nation.

Approved Nov 9 1903

C. R. Bestinger
Commissioner.

Encl 109 4 2

b

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

I.N.R.E. Application for Enrollment, as a citizen of the Cherokee Nation,
 of Rosa McElain born on the 31st day of Aug, 1902
 (Here insert name of child.)
 Name of Father: Felix McElain, a citizen of the U.S. Nation.
 Name of Mother: Nellie McElain, a citizen of the Cherokee Nation.
 Post-office, Cottonwood & Sedon

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Northern District.

I, Nellie McElain, on oath state that I am 29
 years of age and a citizen, by Friendman, of the Cherokee Nation;
 that I am the lawful wife of Felix McElain, who is a citizen, by
U.S., of the U.S. Nation, that a Female child was
 (male or female)
 born to me on the 31st day of Aug, 1902 that said child has been
 named Rosa McElain, and is now living.

WITNESSES TO MARK

Nellie McElain

(Must be Two Witnesses)

Subscribed and sworn to before me this

11th day of Oct 1902
J. A. Bowers
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Northern District.

I, Julia Davis, a Midwife, on oath state that I
 attended on Mrs. Nellie McElain, wife of Felix McElain,
 on the 31st day of Aug, 1902 that there was born to her on
 said date a Female child; that said child is now living and is said to have been
 (male or female)
 named Rosa

WITNESSES TO MARK

Julia Davis

(Must be Two Witnesses)

Beulah Nassom
Zilpah Atkins

Subscribed and sworn to before me this

11 day of Oct 1902
J. A. Bowers
 NOTARY PUBLIC

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

In the matter of the application for the enrollment of Nancy Starr et al. as Cherokee Freedmen, consolidating the applications of

Nancy Starr,.....	Cherokee Freedmen	D	998
Samuel H. Starr, et al.,.....	"	"	D 85
Sarah Barnes, et al.,.....	"	"	D 86
Nellie McLain, et al.,.....	"	"	D 88
Henry Starr, et al.,.....	"	"	D 89
Charles Mayfield, et al.,.....	"	"	D 1001

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Nancy Starr for herself; by Samuel H. Starr for himself and his three minor children, Sallie, Lillie and Leona Starr; by Sarah Barnes for herself and her three minor children, Jennie, Samuel and Nola Barnes, and subsequent to this application, a birth affidavit was filed for her child, Robert Barnes, and is made a part of the record herein; by Nellie McLain for herself, her three minor children, Leo, Maxie and Cassie M. McLain, her sister, Annie Starr, her two brothers, George and Turner Starr, her niece, Frances Wilson, and her two nephews, William B. and Ernest Wilson; by Henry Starr for himself and his two minor children, Henrietta and Jessie Starr, and subsequent to this application, a birth affidavit was filed for his child, Harry Starr, and the same is made a part of the record herein; by Charles Mayfield for himself and his five minor children, Emanuel, Beulah, Royal, McKinley and Nathaniel Mayfield, and subsequent to this application, a birth affidavit was filed for the applicant's child, Bennie Mayfield, and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the application of Houston West, are made a part of the record herein.

The evidence shows that the said Nancy Starr was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. All the other applicants herein are the descendants of said Nancy Starr and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nancy Starr, Samuel H. Starr, Nellie Starr, Lillie Starr, Leona Starr, Sarah Barnes, Jennie Barnes, Samuel Barnes, Nola Barnes, Robert Barnes, Kellie McLain, Leo McLain, Maxie McLain, Cassie M. McLain, Annie Starr, George Starr, Turner Starr, Frances Wilson, William B. Wilson, Ernest Wilson, Henry Starr, Henrietta Starr, Jessie Starr, Harry Starr, Charles Mayfield, Emanuel Mayfield, Beulah Mayfield, Royal Mayfield, McKinley Mayfield, Nathaniel Mayfield and Bennie Mayfield, as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby

Chairman.

(SIGNED)

I. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. E. Stanley

Commissioner.

Dated at Muskogee, Indian Territory,

this Jul 1 - 1903.

FILED
MAY 17 1964
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

-----X
: In the matter of the applica- :
: tions for the enrollment of :
: Nancy Starr et al as Cherokee :
: Freedmen, consolidating cases :
: Nos. C.F.D. 85-6-8-9; 998, and :
: 1001. :
-----X

BRIEF OF THE CHEROKEE
NATION.

The only question involved in this case is the one of return of the principal applicants in this case, and the Commission to the Five Civilized Tribes on July 1st 1903 rendered a decision in the case finding from the evidence that the principal applicants did not return to the Cherokee Nation within the time prescribed by the treaty of 1866, and for that reason are not entitled to be enrolled as citizens of the Cherokee Nation.

The Hon. Commissioner of Indian Affairs reporting upon this case Feb. 6th 1904, Land, 44290- 1903, is inclined to hold that the applicants are entitled to be enrolled as citizens of the Cherokee Nation for the reason that the evidence shows that the principal applicants returned to the Cherokee Nation within the time prescribed by the treaty; from an examination of the report of the Hon. Commissioner of Indian Affairs; it is quite evident that all of the evidence introduced in the case was not examined and reviewed. It is true that Nancy Starr testifying in her own behalf and in behalf of the other applicants in this case, states that she was a slave of Walk Mayfield, and she returned to the Cherokee nation with Walk Mayfield along with her father Henry West; that she came the next year after the war, but when pressed for the year in which she returned she was unable to give any positive statement with reference

to it, in answer to this question; "When did you come back?" she replied "A. I came back next year after peace." "What year was that?" A. "I dont know what year, after I came they called it 66, I came back here next year after peace in the winter. But when questioned further on she does not remember what route she came; she dont know whether she came back through Arkansas or not and she is so ignorant of locality that she does not even know in what district she is now living, she and all the witnesses for her testified that she came back with Walk Mayfield, her former owner, after the war. Now it must be remembered that all of these colored people have the greatest incentive to testify that they returned within the time prescribed by the treaty, and for the last 35 years, the year 1866 has been drilled into them, and day in and day out that year has been pounded into their minds, and they are fully aware that they must testify that they came within that year, and in order that they might be enrolled and become citizens of the Cherokee Nation and thereby share in the division of the lands and moneys as Cherokee citizens. But these applicants with this incentive before them evade the direct question and state that they wont be positive as to the exact time, but they state that they believe or that they think or that they were told that it was in 1866. The other two witnesses, Harris Forman and Dennis Bean both from their ages given were mere boys in 1866, one now being 48 and the other 42 years of age and neither of them gave direct or pointed testimony as to the time these applicants returned and both of them evade direct answers by saying that they believe that they returned in the fall of 1866, and another witness Albert Johnson who was only 8 years of age in 66, testifies to the same fact. It is well known that these colored persons were ignorant as to dates and they could give no reason why they fix the time at that year, but 35 years after attempt to testify as to their independent recollection of this important event; the Commission to the Five Civilized Tribes are men of broad experience, they are men of

great capabilities, they are men of the highest integrity and they are men who have traveled all over the Cherokee Country, and the witnesses on both sides are brought before them and they diligently and thoroughly enquire into and cross-examine most minutely all witnesses in all cases brought before the Commission. The members of the Commission are without bias and have no prejudice for or against the applicants or the Cherokee Nation and it is their duty as far as possible to ascertain all of the facts upon which an honest decision should be written. It is true when the first preliminary hearing was had upon the statements of the applicants themselves, taking their statements to be true, the Commission in the field first lent a favorable ear to the testimony which they gave, but as their experience lengthened, and they saw how unreliable these freedmen witnesses were they necessarily became more cautious and held in abeyance final judgment until all of the testimony on both sides was submitted in each case. If this class of testimony is to be believed unreservedly, every freedman applicant in the Cherokee Nation would be admitted, because it is a rare exception, indeed, that a freedman applicant does not testify that he came back to the Cherokee Nation in the fall of 66, and numerous witnesses are usually introduced to testify not evasively and indirectly, as these witnesses did, but pointedly to the fact that they returned in 1866. The Commission here fully understands that a freedman association was formed; that nearly all of the colored people in the country joined the same, that they were secretly sworn to testify for colored applicants, and strictly forbidden to testify against them, and in the face of these conditions it is in a number of cases almost impossible now more than 38 years after the close of the war to secure witnesses to testify for the Cherokee Nation as to the exact date of the return of certain colored applicants. Again we think that the Hon. Commissioner of Indian Affairs, was deceived by the fact that the name of Mary Whitmire, the sister of the principal applicant, appears upon the 1880 authenticated roll, but if the 1890 roll was thoroughly understood

there should be no confusion about it, a great number of names appeared upon that roll that were not entitled to be thereon, some of whom we might mention, never claimed Cherokee citizenship; people who were not born in the Cherokee Nation, did not belong here before the war, and who do not claim to have come back within the time prescribed by the treaty, but intermarried with Cherokee freedmen who were entitled, and in that way became enrolled as a member of the family, which was a mistake of the census takers in 1880, who were in most instances ordinary farmers, and the mistakes were overlooked by the National Council when the same were authenticated. Under the law it is now held that this roll cannot now be corrected, that the Cherokee Nation is bound by these mistakes. Let me cite two notable instances Henry Bean a colored man whose post office is Tahlequah, I. T., was born in Mo., never saw the Cherokee Nation prior to 1874, came here at that time for the first time married a freedman citizen, and by mistake was enrolled in 1880, and didnt himself know it until he appeared before the Commission at Ft. Gibson, in 1901 with the other members of his family, when he was first advised that his name appeared upon the roll, and he was requested by the Commission to make application for himself. Clearly his enrollment in 1880 was an error, and while the Cherokee Nation may be now estopped under the law from denying his right to enrollment, yet his erroneous enrollment could not and should not be urged as a reason for erroneously enrolling other, brothers and sisters of his, who came here when he did. Another case is that of Rebecca Ross who was a slave of a citizen of Arkansas, prior to the war, came here the first time in 1867, married into a freedman family and enrolling the rest of the family here her name was erroneously included with the list and it like-wise was overlooked by members of Council, and said roll was authenticated; numerous instances could be cited of persons who returned to late whose names were placed upon said roll, but the Cherokee Nation was estopped by an act of congress from going into

this case. The same was true of Mary Whitmire, who came too late, married into a freedman family, was erroneously enrolled, and while the Cherokee Nation cannot prevent her enrollment now, still the Commission held that that error should not enure to the benefit of others not now entitled to enrollment as citizens of the Cherokee Nation. And this calls to mind the fact that a vast majority of these "too late" applicants are now inter-married with freedmen citizens enrolled on straight cards which of itself prevents the Cherokee Nation from getting evidence from among the colored people in the country to testify in these cases, because they would in fact be testifying against some of their relatives or descendants. There is but one question involved in this case and that is did these principal applicants return to the Cherokee Nation prior to Feb. 11th 1867; they all came with Walk Mayfield and hence the testimony of the Cherokee Nation was directed as to the time Walk Mayfield returned; W. T. Harnage close relative of Walk Mayfield was 53 years of age when he testified, lived in Sequoyah District, only a short distance from the point to which Mayfield returned, and swore positively that he lived there until after Christmas, 1866, when he removed up to Flint District, which was about the first of January of 67, and up to that time his uncle, Walk Mayfield had not returned from Texas.

He further states that he came back to that neighborhood about the middle of April 1867, when Mayfield had just returned. Now Mayfield was his uncle and it is reasonable to suppose that the knowledge of his return soon came to him there in the neighborhood, and while he does not attempt to give the exact date of his return, yet his testimony is much more direct and positive than any of the witnesses for the applicants and they flatly contradict the testimony of the applicants to the fact that Walk Mayfield did not certainly return in the year 1866. Esikle Harnage a cousin of Walk Mayfield testifies that he came back to Sequoyah District, near the same place where Walk Mayfield afterwards returned, and that he continued to reside in the District from December 16th, 1866 until after April 1867, and when asked this question "Q. Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867?" he answered "I am positive of it." A little farther on he testifies that he came back in the spring of 1867. Now these two witnesses are men of highest integrity and intelligence. The next was D. M. Faulkner. This man is now assistant Chief of the Cherokee Nation elected since the day he gave his testimony has been a delegate to Washington City and has

been a member of the Cherokee Senate and a great number of years, and a man of great force of character and highest intelligence, he was married to Rachel L. Adair, about the middle of April 1867, and of course he can fix this date definitely, he testifies that about the first week in April his wife was the niece of Walk Mayfield, just heard of her uncles return and that they went down to see him and that the family had just returned from Texas. Now it is unreasonable to suppose that Walk Mayfield could have been in the same neighborhood where his niece was who was eager to meet and greet her relatives, without her knowing it; not only is it shown by the fair preponderance of the testimony, but that it is conclusively shown from this evidence that these applicants did not return in the time prescribed by the treaty.

Evidently the attention of the Hon. Secretary and Commissioner of Indian Affairs was not called to the judgment offered in evidence on May 23rd 1902 by the Cherokee Nation in these cases, these judgments show that Henry West the father and Grand-father through whom these applicants claim appealed to the Supreme Court of the Cherokee Nation and was rejected on June 17th, 1871, at that time hundreds of witnesses were alive who could testify as to the exact date of the return of Walk Mayfield, but not content with this, this same Henry West appealed to the Chambers Court created under an act of December 5th 1877, and at that time this same Walker Mayfield was alive and appeared before the Commission and gave testimony in this case and the decision of the Chambers court filed in this case and made a part of the record shows the following

"Henry West) Claim of Citizenship before the Commission on
) Citizenship, sitting at Tahlequah, C.N. June 12th 18
 vs)
 Cherokee Nation)

This case, comes under that class of cases, of which the commission have jurisdiction under act of Dec. 1877, claiming citizenship under the 9th Article of the Treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the Rebellion. Claimant was afterward sent to Texas, by his owner, but returned in time, that is, within six months after the ratification of the treaty of 1866.

The facts above are proven satisfactorily, except as to the time of the return to the nation. This is the turning point in Henry West's case. The commission finds that the only testimony on that point, is the statement of Walter Mayfield, who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the Act establishing the Court to the time mentioned in the amendments to the Cherokee Constitution, so far as to the exact time of the ratification of said treaty is concerned, which places it, on the 19th day of July 1866; and hence claimant's return in April 1867, is more than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of the Commission, and consequently they decide that said claimant is an intruder, on the Public Domain of the Cherokee Nation.

John Chambers,
 President Commission,
 D.L. Nicholson,) C. C. Brewer)
) George Downing,) Comrs. "

It will be noticed in this case that the Chambers Commission found that the return of the said Henry West to the Cherokee

Nation was then as now a turning point in the case and the Commission upon this point said "The Commission finds that the only testimony on that point is the statement of Walk Mayfield who says that he and claimant (Henry West) returned to the Nation on the 4th day of April 1867. This is decisive of the case, claimant came to late. And latter on the Commission found that the claimant returned on April 4th 1867 was not entitled to it. As this judgment shows, this Commission was created by an act of 1877, only 11 years after Walk Mayfield claimed to have returned from the state of Texas, when all of the facts connected with the time of his return could be easily proven. It will be noted that these judgments were not introduced until May 23, 1902, and therefore the date fixed by that judgment was certainly not known to W. T. Harnage, Esakiel Harnage and D. M. Faulkner who testified nine months prior thereto on September 4th, 1901. But it is interesting to note how enerringly they pointed to the time of Walk Mayfield return every single, solitary one of them gave it as their judgment, giving reasons therefor, that Walk Mayfield returned about the 1st of April or the last part of March 1867 and later on we think that this Chambers judgment conclusively and definitely fixes the date of Mayfields return and the return of these applicants. No where does the Hon. Commissioner of Indian Affairs in his report upon this case refer to this judgment and therefore it is certain that it was lost among the records and his attention was not called to it or else he would have readily agreed with the Commission to the five Civilized Tribes and the Several Cherokee Commissions that these applicants or those through whom they claim did not return to the Cherokee Nation in time to qualify under the treaty of 1866.

We earnestly submit these facts in the hope that the Hon. Commissioner of Indian Affairs will carefully consider for review his decision when we confidently believe that he will agree with the Commission and order the decision of July 1st 1903, rendered in this case, affirmed.

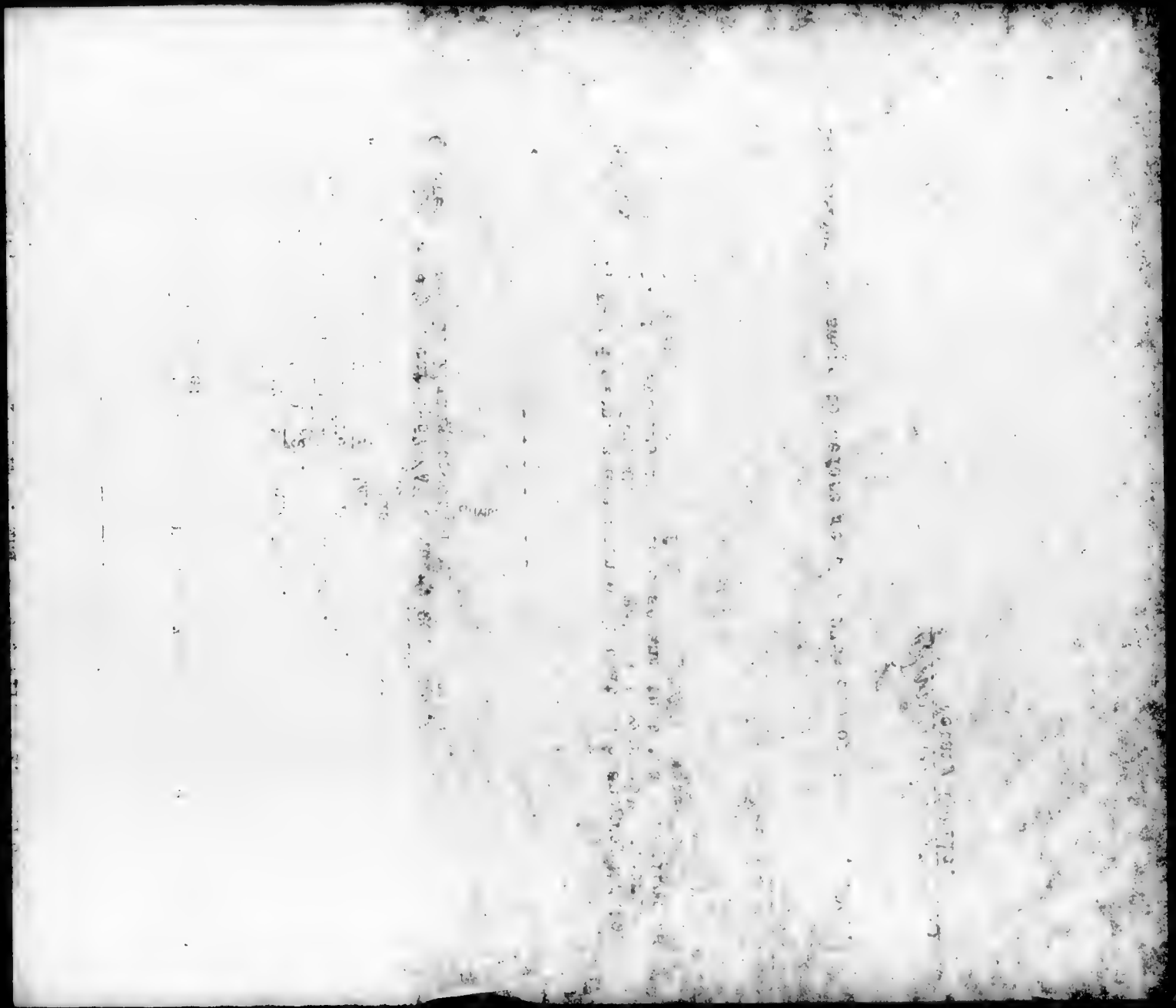
Respectfully submitted.

(Signed) L. B. Bell

(Signed) J. S. Davenport

(Signed) W. W. Hastings

Attorneys for the Cherokee Nation.



DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 CHEROKEE LAND OFFICE.
 Tahlequah, I. T., January 25, 1905.

In the matter of the application of Nellie McLain for the enrollment of herself, her children, Leo, Maxie and Cassie M. McLain, her sister and brothers, Annie, George and Turner Starr and wards, Frances, William B. and Ernest Wilson as Cherokee freedmen.

SUPPLEMENTAL TESTIMONY.

Annie Bell, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Annie Bell.
 Q How old are you? A 22.
 Q What is your postoffice? A Roland.
 Q Are you a Cherokee freedman? A Yes'm.
 Q Are you married? A Yes'm.
 Q What is the name of your husband? A George Bell.
 Q Is he a Cherokee freedman? A No ma'am.
 Q When were you married? A January 20, 1904.
 Q Are you and he living together now? A Yes'm.

I, May Hudson, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

May Hudson

Subscribed and sworn to before me this 27th day of January, 1905.

Samuel Forman
 Notary Public.

32 #7-1386

IN RE
THE DEATH OF
Lassen M. McLean

a citizen of the

State of

Nation.

Approved

JUN 17 1905 190

C. R. [Signature]
Commissioner

JUN 17 1905

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

In the matter of the death of *Cassie M McLain*
(Here insert name of deceased.)
a citizen of the *Cherokee* Nation, who formerly resided at or near
Cottonwood, Ind. Ter., and died on the *5*th day of
December, 1904.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }
I, *Hellie McLain*, on oath state that I am *33*
years of age and a citizen, by *adoption* of the *Cherokee* Nation ;
that my postoffice address is *Cottonwood*, Ind. Ter.; that I am
the mother of *Cassie M McLain*
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by *adoption* of the *Cherokee* Nation ;
and that said *Cassie M McLain* died on the *5*th day of
December, 1904. *Hellie McLain*

WITNESSES TO MARK :

(Must be Two Witnesses.) }

Subscribed and sworn to before me this *14*th day of *February*, 1905
Johnson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
..... DISTRICT. }
I,, on oath state that I am
years of age, and a citizen by, of the Nation ;
that my postoffice address is, Ind. Ter. ;
(Here insert name of postoffice.)
that I was personally acquainted with,
(Here insert name of deceased.)
who was a citizen, by, of the Nation ;
and that said died on the day of
(Here insert name of deceased.)

WITNESSES TO MARK :

(Must be Two Witnesses.) }

Subscribed and sworn to before me this day of, 1905
.....
Notary Public.



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Nellie McLain,
Cottonwood, I.T.
Cherokee F-D-88
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee F.D-88

Muskogee, Indian Territory, October 17, 1902.

Nellie McLain,

Cottonwood, Indian Territory.

Dear Madam:-

The Commission is in receipt of birth affidavit in the matter of the application for the enrollment, as a Cherokee Freedman, of Rosa McLain, infant child of yourself and Felix McLain.

When you applied to this Commission for enrollment as a Cherokee Freedman, you gave your surname as McLain, while in this affidavit it is noticed that your name appears as McClain. The affidavit is herewith returned to you and you are requested to have same corrected so that your surname will appear therein as it appears on the Commission's records, McLain.

Respectfully,

Acting Chairman.

Enc. M-42



Wanted, in the Territory, of the U. S. A.

W. J. ...
Attorney for the Cherokee Nation,
Cherokee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 7, 1901, in the consolidated case of Hargis, Starr et al., respecting the applications for the enrollment of Hargis, Starr, Bellie, Leo, Annie and George M. McKinn, Annie, Thomas and Turner Starr, Francis, William B. and Ernest Wilson, Sarah, Jennie, Samuel, Melba and Robert ... , Samuel H., Nellie, Billie, Leon, Henry, Henrietta, Jennie and ... Starr, Charles, Emanuel, Beulah, David, McKinney, Nathaniel and David ... as Cherokee freedmen.

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,

Cherokee F. D-88

Muskogee, Indian Territory, July 11, 1903.

Hollie McLain,

Cottonwood, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your three minor children, Leo, Maxie and Cassie M. McLain, your sister, Annie Starr, your two brothers, George and Turner Starr and your three wards, Frances, William B. and Ernest Wilson, as Cherokee freedmen, together with a copy of the Commission's decision dated July 1, 1903, rejecting, among others, your said application.

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,

Commissioner in Charge.

Enc. D-72

Register.

COPY

Cherokee F.D-998-
85-86-88-89-1001

Muskogee, Indian Territory, July 11, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nancy Starr et al., including the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, Nellie, Leo, Maxie and Cassie M. McLain, Annie, George and Turner Starr, Frances, William B. and Ernest Wilson, Sarah, Jennie, Samuel, Wola and Robert Barnes, Samuel H., Sallie, Lillie, Leona, Henry, Henrietta, Jessie and Harry Starr, Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-76

COPY.

Land
44190-1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Nancy Starr for the enrollment of herself; of Samuel W. Starr for the enrollment of himself and his three minor children, Sallie, Millie and Leona Starr; of Sarah Barnes for the enrollment of herself and her three minor children Jennie, Samuel, and Kola Barnes; of Nellie McLain for the enrollment of herself and her three minor children, Leo, Maxie and Cassie B. McLain, also her sister Annie Starr, her two brothers George and Turner Starr, her niece Francis Wilson, and her two nephews William B., and Ernest Wilson; of Henry Starr for the enrollment of himself and his two minor children Henrietta and Jessie Starr; and of Charles Mayfield for the enrollment of himself and his five minor children Emanuel, Beulah, Royal McKinley and Nathaniel Mayfield. It further appears that Robert Barnes, Henry Starr and Jennie Mayfield were all born subsequent to these applications and that birth affidavits have been filed in relation to them, which affidavits are made a part of the record. These parties all make application to be enrolled as Cherokee Freedmen.

On July 1, 1903, the Commission rendered a decision in this

Cherokee F.D.1339.

Tahlequah, Indian Territory, February 16, 1904.

Nellie McClain,
Cottonwood, Indian Territory.

Dear Madar:

The Commission is in receipt of your letter of February 10, stating that some time last fall you forwarded an affidavit as to the birth of a child born to you on August 31, 1902, to the Commission, and that you have received no reply to the same.

In reply you are advised that the records of the Cherokee Land Office show that on October 17, 1902, an affidavit was filed with the Commission, showing the birth of Rosa McLain, child of Felix and Nellie McLain. A corrected affidavit as to the birth of this child was filed with the Commission on November 9, 1903, and the child was listed for enrollment as a Cherokee Freedman upon a doubtful card. When a decision is rendered in its case you will be promptly notified of the same and furnished with a copy of such decision.

It is noted that in your letter you sign your name as Nellie McClain, while throughout the affidavit of birth of your

Nellie McClain-8.

child, Rosa, your name, as well as the name of your husband and child appears as McLain. You are requested to advise the Commission the correct spelling of your name, in order that you may be listed for enrollment under your proper name.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

RP

Cherokee Freedmen
D-1339

Muskogee, Indian Territory, October 26, 1904.

Nellie McLain,

Cottonwood, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of October 22, relative to the enrollment of your minor child, Rosa McLain, as a Cherokee freedman. You inclose certain correspondence which is herewith returned.

In reply you are advised that the Commission has not yet rendered a decision in the matter of the application for the enrollment of your said minor child as a Cherokee freedman. When a decision has been prepared you will be furnished with a copy.

Respectfully,

Encl . B-35.

Chairman

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D C 19058-1904.

April 4, 1904.

I.T.L. 1168-1904.

SRS.

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

Gentlemen:

July 11, 1903, you transmitted the record in the Cherokee freed case of Nancy Starr, et al., including your decision of July 1, 1903, rejecting the applicants.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed.

You are directed to notify the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument in the case he may desire, and the applicants ten days within which to answer same.

A copy of the Acting Commissioner's communication is enclosed.

Respectfully,

1 inclosure.

signed.

Thos Ryan
Acting Secretary.

Cherokee Freedmen
D 88

Muskogee, Indian Territory, April 18, 1904.

Nellie McLain,

Cottonwood, Indian Territory.

Dear Madam:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional in which to file with the Commission for transmission to the secretary a reply to said argument.

Respectfully,

Chairman.

Cherokee Freedmen
D 85-6-8-9, 998
& 1001.

Muskogee, Indian Territory, April 18, 1904.

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

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, et al., as Cherokee freedmen, cases Nos. C. F. D. 85-6-8-9, 998 & 1001.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in these cases, a copy of which argument you will be required to furnish the principal applicant in each case.

Respectfully,

Chairman.

Cherokee Freedmen D-85-6-8-9-998-1001.

Muskogee, Indian Territory, June 30, 1904.

The Honorable,

The secretary of the Interior.

Sir:

Referring to Departmental letter of April 4, 1904,
(I.T.D. 1168-1904) there are herewith enclosed argument
of the Attorney for the Cherokee Nation, and the reply of
the applicants' attorneys, in Cherokee Freedmen D-85, et. al.,
Nancy Starr, et. al.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. 1-13.

C O P Y

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
49491-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

July 9, 1904-I.T.D. 5406-, the Department advised the Commission that on April 29 last, the attorney for the Cherokee Nation filed a brief protesting against the reopening of the Nancy Starr, et al., case, applicants for enrollment as Cherokee freedmen, and that on June 9 said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which the following appears:

"The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The Commission was advised that the record forwarded with their decision in the Nancy Starr case did not show facts as set out, in the supplemental brief of the attorney for

- 2 -

the Cherokee Nation, and they were requested to inform the Department as to what their records disclosed concerning the subject.

There is enclosed a report from the Commission dated July 18, 1904, transmitting a copy of the decisions of the Cherokee Citizenship Commission in the application for admission made by Henry West, which the Commission say should have accompanied their decision.

Very respectfully,

A. C. Tomner,

Acting Commissioner.

GAW-Ma

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

W.C.P.
ILB

JP

I.T.D. 1168, 4648-1904.
4723, 5406-1904.
5724, 6202-1904.
6587, 6943-1904.

September 17, 1904.

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

Gentlemen:

July 11, 1903, you transmitted the record in the consolidated Cherokee freedman case of Nancy Starr et al., including your decision of July 1, 1903, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation and directed to notify the attorney for the Cherokee Nation and the applicants that they would be allowed further time in which to file argument in the case.

On May 25, 1904, you transmitted a motion on behalf of the applicants to reopen and remand the case for further hearing.

On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case.

On June 9, 1904, said attorney filed a supplemental

brief on behalf of the Cherokee Nation in which he called the attention of the Department to the fact that the supreme court of the Cherokee Nation in 1871 rendered a judgment rejecting the application of Henry West, the father and grandfather of the applicants in this case. He also stated that in 1878 Henry West again applied to the Cherokee Commission on Citizenship, known as the "Chambers Court," which was authorized to hear and determine applications for citizenship under an act of the National Council approved December, 1877, and that the applicant was rejected by said court.

On August 1, 1904, at the request of the Department you forwarded the decisions referred to by the attorney for the Cherokee Nation, which decisions are made a part of the record.

June 30, 1904, you forwarded the argument of the attorney for the Cherokee Nation, also reply to said argument by the attorney for the applicants. Said arguments have received due consideration.

On July 22, 1904, Thomas J. Watts, attorney for applicants, transmitted a petition requesting that if in the opinion of the Department the proof is not sufficient to admit the enrollment of the applicants that the case be reopened, with the instructions to your Commission to admit applicants to file and make additional proof in support of their claim.

The Department does not consider that the decision of the courts above referred to in the case of Henry West are bind-

ing upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867. A full discussion of the evidence is contained in the Acting Commissioner of Indian Affairs' letter of February 9, 1904, a copy of which was inclosed with departmental letter of July 9, 1904.

The evidence fails to show the exact date on which the applicant Nancy Starr returned to the Cherokee Nation, but from the testimony submitted concerning the circumstances connected with her return, the Department is of the opinion that she returned prior to February 11, 1867.

The Department therefore concurs in the Acting Commissioner's recommendation.

Your decision is reversed and you are directed to enroll the applicants as Cherokee freedmen.

Respectfully,

Thos Ryan,

Acting Secretary.

16 inclosures.

(1) "RH

COP .

Cherokee Freedmen

D 88

Muskogee, Indian Territory, October 6, 1904.

Nellie McLain,

Cottonwood, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself, your minor children, Leo, Maxie and Cassie M. McLain, your sister, Annie Starr, your brothers, George and Turner Starr, and your wards, Frances, William B. and Ernest Wilson, as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll you, and your said minor children, sister, brothers and wards, as Cherokee freedmen.

Respectfully,

James Bixby.
Chairman.

COPY.

Cherokee Freedmen
D 998, et al.

Muskogee, Indian Territory, October 6, 1904.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy, Samuel H., Sallie, Lillie, Leona, Annie, George, Turner, Henry, Henrietta, Jessie and Harry Starr, Sarah, Jennie, Samuel, Nola and Robert Barnes, Nellie, Leo, Maxie and Cassie M. McLain, Frances, William B. and Ernest Wilson, and Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

W. D. James Dixby,
Chairman.

COPY.

Cherokee Freedmen

No. 1386.

Muskogee, Indian Territory, April 12, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed name, notations and information to be made upon Cherokee Freedmen card No. 1386.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge

Incl. S-25.

case, finding from the evidence that the said Nancy Starr was a slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867; that all the other applicants herein are descendants of said Nancy Starr and have no rights as Cherokee Freedmen except such as they may have acquired through her; that none of the names of the applicants herein are found on the 1860 authenticated Cherokee roll; and that by reason of said findings the Commission is of the opinion that these applications should be denied under the provisions of section 21 of the act of Congress approved January 25, 1866 (40 Stat., 496).

I have examined the evidence submitted in this case both for and against the applicants. Nancy Starr, the alleged ancestor through whom all these applicants claim their right to enrollment, testifies that she is about 62 years old; that her name is on the Kern-Clifton and Wallace rolls; that her husband was Sam Starr, and that Henry West was her father; that she was a slave of Walk Wayfield, and that Jane Wayfield was her mistress, both of whom were Cherokee citizens; that she went to Texas during the war; that she came back the next year after peace, in the winter, to Lila Starr's place and has been living in the Cherokee Nation ever since.

On cross examination the witness testifies that she was born in Texas and that she went from Texas to the Cherokee Nation when very small; that she went to Texas from the Cherokee Nation with Walk Wayfield in the time of the war. The witness then states that she does not remember about coming from Texas to the Cherokee Nation after

her birth but that they said she was born in Texas, but she does remember going to Texas with Wayfield during the war to a place near Selma; that they were back the next year after the war "was in the fall 1867.

The witness testifies that she now lives on her father's place; that his name was Henry Wayfield in slavery; that when they located there after the war, a Cherokee named Grying Year lived there, also Marion Johnson, Uncle Tom Fagdale and Billy Sanders and his wife. Witness further testifies that she and Houston West are brother and sister, and that she came to the Cherokee Nation at the same time as Houston West; and that she is older than her said brother.

The records show the following order issued by the Commission on September 18, 1901, in the matter of the application of Nancy Starr et al:

The Cherokee Nation makes satisfactory proof of service of notice that testimony would be taken in the matter of the application of the said Nancy Starr for enrollment as Cherokee Freedman at Fort Gibson, Indian Territory, on the 13th day of September, 1901. Said Nancy Starr has been called three times and does not respond. The Cherokee Nation desires that the evidence of W. T. Harnage, Ezekiel Harnage and D. V. Faulkner, taken in the matter of the application of Houston West for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory on the 4th day of September, 1901, be made a part of the record in the case of the said Nancy Starr. The order will be made.

Upon examining this evidence submitted in the matter of the application of Houston West for enrollment, and which is made a part of the record herein by the order of the Commission, I find that the said Houston West testifies that he is 47 years old; that he was a slave and belonged to Walk Wayfield, who was a Cherokee citizen; that he went to Texas during the war and returned to the Cherokee Nation in 1866; and that when asked what time in 1866, replies, "It was in the winter". The witness further testifies that he has lived in the

the witness has never since that time.

The witness, examined by counsel for the Cherokee Nation, the witness testified that his father's name is Henry West and his mother's name is Phoebe; that he belonged to the Mayfields and was living on the Blackburn place in Sequoyah at the beginning of the war; that he went to Texas the second year of the war and stopped at the old McCall place near Pollock, Texas; that his father belonged to Walker's Brigade at the beginning of the war. The witness claims that he returned to the Cherokee Nation in 1866 with Walk Mayfield and his family.

The witness testifies that his father died in 1873 or 1874, and that his mother died before that date; that the names of his father and mother are not in the roll of 1866 but that the name of his sister, Mary Whitmore, is on the 1866 roll; and that she went to Texas with him and returned with him. This statement of the witness is verified by the record which shows that his sister, Mary Whitmore is on said 1866 roll.

There are then several witnesses called in behalf of Houston West's claim, and they all more or less substantiate the facts testified to by him.

At the close of the testimony on his behalf, the Commission gives a short synopsis of the status of his case and among other things say-

The evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Nation and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given, consequently, the said Houston West and his five children will be listed as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at, he will be notified by mail.

Subsequently on September 4, 1861, the Cherokee Nation submitted the testimony referred to above, but the applicant was not present or represented by counsel.

The first witness W. T. Carnage testifies that he is about 53 years old, is a Cherokee citizen by blood, and I wish to invite the attention of the Department to the manner in which the first question of importance is submitted to him by counsel for the Cherokee Nation, as follows:

"I believe you made a statement that you returned here in December of 1866, after the war." Answer, "Yes sir."

Under the circumstances, the witness had made no such statement, and at the least, it is certainly a very leading question, and in view of the fact that the applicant was not present, either in person or by counsel, is a very improper one.

The witness then testifies that he knows Walk Mayfield, who is his uncle; that when he came back in 1866, he located just across the river from Fort Smith in Sequoyah district, and continued to remain there until after Christmas when he went up to Flint.

The counsel for the Nation again undertakes to testify for the witness at this point, and suggests to him that he remained until "about the 1st of January". To which he replies "about the 1st of January sometime".

The witness then testifies that his uncle, Walk Mayfield had not returned when he left there, and that he remained up in Flint until about the middle of April, went back down in the bottom (where he had first located) and found him there when he returned in April, 1867.

It is also stated, it is made a year from this witness, that Walk Mayfield had not returned to the Cherokee Nation up to about the 1st of January, 1867, when this witness left the bottom and went up to Flint, but that when he again returned to the bottom in April, 1867, he found Walker Mayfield there.

The witness does not pretend to say at what time between about January 1, 1867 and April, 1867, Walker Mayfield returned to the nation. This witness further testifies that he left Walker Mayfield in Texas when he, the witness, started back. The Commissioner then makes inquiry as to when the witness started from Texas, and he replies "In December, in November '66". The witness further testifies that Walk Mayfield brought his six slaves back with him; that he knew Houston Vest and saw them together at that time; that Houston Vest was in Texas when he left there living on Mayfield's farm; that they made a crop there.

The next witness testifying in behalf of the nation is Eschiel Harnage, who says he is 69 years old, is a Cherokee citizen, and was in Texas when the war closed and came back to the Cherokee Nation the 16th day of December, 1866, and located in that part of the Cherokee Nation known as Sequoyah district; that he is a second cousin to Walk Mayfield and is a half-brother of the witness, F. T. Harnage.

The witness further testifies that he knows Walk Mayfield; that he saw him in Texas; that he lived within less than two miles of him there; and that he left Mayfield in Texas when the witness moved up to Sequoyah, December 16, 1866. And, when asked "Now what time did Walk Mayfield come to the Cherokee Nation?" Witness replies "To the best of my knowledge Walker Mayfield came there along in the latter

part of March 1867." The witness also testified that Mayfield brought his slaves with him; that he knew Houston West; and that he, the witness, continued to reside in Sequoyah district from December 1866 until the following March or April; and that Mayfield located about four miles or five from him.

On being examined by the Commission, the witness testified that Houston West was the slave of Walk Mayfield; that he first saw Houston after the war, after Mayfield came back to the nation, and saw him with Mayfield's family. The witness further testifies that he is positive that Mayfield did not come back to the Cherokee Nation until after January 1867; that he fixes that fact in his mind in connection with going to work to make a crop.

The next and last witness to testify on behalf of the nation is D. M. Walker, who says he is about 60 years old, is a Cherokee of blood; that his wife claimed Walk Mayfield as her uncle; that he was living in Sequoyah district in 1866 and the spring of 1867; that he knew Mayfield before the war and when asked "When did Walk Mayfield return after the war?" replied, "Well, he returned about the first week of April, 1867". And when asked to tell why he fixes that time and all the circumstances, replies "Well, this young lady that I spoke of"-- "That you afterwards married?" "Yes; she was boarding with my sister, teaching school, and the news came that her uncle had come home from Texas, just from Texas, and I went with her over there that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in".

The testimony further shows that the witness had to go four

... and that the ... he ... about it, he, and this young lady were married about ten or fifteen days after that; that he has got it in the bible at home and this time is dated on the 17th or 27th of April when they were married; and that just a few days before that was when he and this young lady went over to her uncle's, Walk Mayfield.

The witness further testifies that they had some slaves, colored people, with them; that there was an old man named Henry West, and that he had been there ever since that time; that they also say they had brought the slaves but that the old man was all he saw.

Counsel for the nation then asked this witness the following question: "Had they unloaded the wagons, when you got there?" Answer "There was a covered wagon standing there when we got there."

The above is in substance all of the testimony submitted in this case on behalf of the Cherokee Nation, and I take it that the Commission, in rendering said decision has based the same upon the testimony of these three witnesses.

I do not consider that this testimony on the part of the nation is of such a character, or is so conclusive that said decision if based thereon, is justified. The only thing that the witness W. T. Harnage testifies to that even tends to show that Walk Mayfield did not return prior to February 11, 1867, to the Cherokee Nation, is the fact that he states when he left there about January 1, 1867, Mayfield had not yet arrived; but that when he returned in April, 1867, Mayfield was there. The witness does not undertake to say on what day or in what week between January 1, 1867 and April, 1867 Mayfield returned. I therefore conclude that his testimony utterly fails to

show that Wayfield did not return to the nation prior to February 11, 1867.

The next witness, Ezekiel Warrano, does not know when Walk Wayfield returned to the Cherokee Nation, for he says: "To the best of my knowledge Walker Wayfield came there along in the latter part of March, 1867", and undertakes to say that he fixes that fact in his mind in connection with going to work to make a crop. He avows positively that Wayfield did not come back to the Cherokee Nation until after January 1, 1867, but gives no facts and states no reason why he knows that to be true, that are of sufficient importance to be given any serious consideration, considering the long lapse of time since that date.

The next witness for the nation, J. J. Walker, testifies that Wayfield returned about the first week of April, 1867, and undertakes to show that he knows this to be true for the reason that he and Rachel L. Asair, his first wife, went over to see Wayfield about the 1st of April, 1867, and that Wayfield claimed they had just come in.

It is not necessary to dispute the fact that Walker and his intended wife made this visit and made it at or about the time to which he testifies, but this fact does not establish or show when Walker Wayfield returned to the Cherokee Nation. Walker testifies that Wayfield claimed they had just come in, but this does not show whether they had been in one week, two weeks, or six, for even though they had been in the nation six weeks or two months, it would be but natural for them to say to him that they had just come in. Walker does not undertake to say on what day, or in what month in 1867 Walk Wayfield and his people returned to the Cherokee Nation.

By referring to the testimony of Nancy Starr, I consider her testimony credible and reliable, and it appears from her replies that she is of good intelligence, and capable of narrating facts and circumstances, and she insists in her testimony that they returned to the Cherokee Nation in the winter although she does not pretend to say in what year, excepting that it was the next year after the war. It will be noted that Houston West also testified that he returned to the Cherokee Nation in the winter.

Nancy Starr further testifies in the matter of the application of Daniel L. Starr for the enrollment of himself and her three minor children, and being cross examined by the representative of the Cherokee Nation, as follows:

"You know what month of the year you came in, was it April? August. ^{Yes}, I came back here in the winter, sneaky, sleety, it was cold."

I do not deem it necessary to take up all this testimony and discuss the same, but inasmuch as the Department has decided that the six months period within which Cherokee Freedmen were entitled to return to the Cherokee Nation under the provisions of the treaty of 1866, did not terminate until February 11, 1867, and inasmuch as the Cherokee Nation, in my opinion, absolutely fails to show that Walk Wayfield did not return to the Cherokee Nation until after February 11, 1867, and inasmuch as the applicants testified that they did return the first year after the war, in the winter time, and submit the testimony of a number of witnesses substantiating their claim, I consider that the decision in this case, denying the claim of the applicants should be set aside, and that they should be enrolled as Cherokee Freedmen, citizens of the Cherokee Nation.

It appears that a sister of Houston West has already been placed on the 1880 roll, and has been enrolled as a Cherokee Freedman citizen of said nation, and the testimony of all the witnesses in this case shows that this sister and her said brother, Houston West returned at one and the same time, and that in fact Walker Mayfield and all of his slaves returned together.

From the testimony submitted it plainly appears that while the Walker Mayfield slaves were in law free, yet they evidently remained as a part and parcel of the family and had worked for him, or with him, on the Mayfield farm in the State of Texas and raised a crop there during the summer of 1866. It is quite evident to my mind from all of the testimony, and the facts, that his slaves at that time had no domicile in the State of Texas, that like himself they were there temporarily, and in view of the further fact that his said relatives, W. T. Harnage and Ezekiel Harnage returned to the Cherokee Nation late in the fall of 1866, I can not understand why he remained in Texas so long as to not be able to reach the Cherokee Nation until the first week in April 1867. Being a farmer it would be but natural that he would want to remove to the nation in time to look after a crop for the year 1867, and I am fully satisfied that the claim of these applicants that the said Walker Mayfield did return in the late fall or early winter of 1866-7 is correct, and that he did return to said nation taking with him said slaves prior to February 11, 1867. There is not a particle of proof that he did not do so, and where it is impossible to fix the exact date of the return of these parties I consider that a decision must necessarily be given upon such facts

and circumstances as tend to show when they did return.

There seems to be no question as to the status of all these applicants, they are either all entitled to enrollment or should all be denied, since they are all either Cherokee Freedmen or the descendants of Cherokee Freedmen, I therefore recommend in view of the foregoing that each of said applicants above named be enrolled as Cherokee Freedmen citizens of the Cherokee Nation.

Very respectfully,

A. C. Tonner
Acting Commissioner.

W.C.F. (3)

John Scott

left

11. 1904

December 2nd

Case # 5

1383

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Cher Fr 1387

Trans. from Fr D89

See Cher Fr D85, D86, D88, and
D998

Cher Fr 1387

RECEIVED BY THE SECRETARY OF THE INTERIOR

APR 18 1901

TO THE SECRETARY OF THE INTERIOR
FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
RE: [Illegible text]

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.

FILED
APR 18 1901

[Signature]
ACTING CHAIRMAN

U. S. DEPARTMENT OF THE INTERIOR

Department of the Interior,
Commission to the Five Civilized Tribes,
St. Gibson, I.T., April 16, 1901.

In the matter of the application of Henry Starr for the enrollment of himself and two children as Cherokee Freedmen; being examined and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Henry Starr.
How old are you? A 23.
Q What is your post-office address? A Cottonwood.
In what district do you live? A Sequoyah.
You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Did you ever apply to be enrolled by any other tribe or nation?
A No sir.
Your name on any of the rolls of the Cherokee Nation? A On the
Wallace roll or Clifton roll.
Not on the roll of 1880? A No sir.
Who do you want to enroll besides yourself? A Two children.
Are you married? A Yes sir.
What is your wife's name? A Peggy Starr.
Is she a citizen? A Claims to be.
What was her name before you married her? A Peggy Wilson.
What was her father's name? A I don't know sir, he is dead.
What's her mother's name? A Frances Wilson.
What was your father's name? A Sam Starr.
What is your mother's name? A Nancy Starr.
What are the names of your children? A Henrietta Starr.
How old is she? A Six years old.
What is the name of the next one? A Jesse Starr.
How old is he? A 2 years old.
What is the name of the next one? A That's all, two.
Are these children alive and living at this time? A Yes sir.
You haven't affidavits prepared as to their birth? A I have
got the midwife.
Q How old is your wife? A I don't know sir.
Well, about how old? A About 22 I reckon or 3.
Q Is her name on the roll of 1880? A I don't know sir, I guess
not though.
Q You say her mother is named Frances Wilson? A She ~~was~~ used to be;
she is named Frances Johnson now; she is a freed again.
Q You say she is living? A Yes sir.
Q You don't know whether her name is on the roll of 1880 or not?
A No sir.
Q Don't you know it ain't there? A No sir, I don't know where her
name is.
Q Where is your wife? A At home, in Sequoyah.

1880 authenticated roll of citizens of the Cherokee Nation
examined and Frances Wilson not identified thereon.

1880 roll of citizens of the Cherokee Nation examined and
Peggy Wilson not identified thereon.

- Q Were you married to Peggy Wilson? A Yes sir.
Have you got any certificate of marriage? A No sir.
Who married you? A Elder Pined.
Is he living? A Yes sir.
You don't apply for your wife then? A No sir.
Through whom do you claim citizenship? A My Sam Starr.
Q Did you draw strip money? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation
examined and applicant identified thereon as follows:
page 112 #2793 Henry Starr, Illinois District.

Henry Starr et al 2

Q Where were you born? A Sequoyah.
In the Cherokee Nation? A Yes sir.
Have you always lived in the Cherokee Nation? A Yes sir.
Live in the Cherokee Nation now? A Yes sir.
Are these two children living? A Yes sir.

Commissioner Needles: The name of Henry Starr cannot be found upon the authenticated roll of 1880 nor upon the census roll of 1896 his name is found upon the Kerns-Clifton roll; he avers that he is the son of Samuel and Nancy Starr, and claims citizenship through his father, Samuel Starr; and reference is hereby made to the testimony taken in the case of Samuel H. Starr, D card Number 85, who is a brother of the applicant; he makes satisfactory proof as to his residence; he avers that he was married to one Peggy Wilson, and by Peggy Wilson has two children, Henrietta, 6 years old, and Jesse, 2 years old, and the names of these children do not appear upon the census roll of 1896; they are all duly identified and the testimony in the case of Samuel H. Starr, D 85 shows conclusively to the Commission that said Henry Starr and his two children are entitled to be enrolled as Cherokee Freedmen;

Now comes the Cherokee Nation and protests against the enrollment of said parties, upon legal grounds; consequently, the name of Henry Starr and his two children Henrietta and Jesse will be placed upon a doubtful card; in order to complete the enrollment of his two children, it will be necessary for said Henry Starr to file with this Commission a certificate of his marriage to Peggy Wilson his wife, and also affidavits as to the birth of his two children, their names not being found upon the rolls.

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

M. D. Green

Subscribed and sworn to before me this April 18, 1901.


W. H. Needles

Commissioner.

1189

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

FILED
APR 16 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 16 1901
Post Office Leathwood
District 23

1. Name Henry Starr Age 23
Owner's name _____ Citizenship _____
Year K.C. Page 112 No. 2793 District Ills

Parents:
Father Sam Starr Citizenship col D
Mother Nancy Starr Citizenship col

2. Name of wife Peggy Starr Age 22
Owners name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother Francis Johnson Citizenship col

Names of Children:

No.	Name	Year	Page	No.	Dist.
1	<u>Henrietta Starr</u>				
2	<u>Jessie</u>				
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

Application made by holder Stenographer Green M D.

(2) Affidavit of Birth to be filed
(3) "Certificate of Marriage" ^{to Peggy Johnson} to be filed

1117

MINUTE
TO THE FIVE
FILED
APR 18 1901

Handwritten notes

To be filed in case of Henry Starr et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wt. Gibson, I.T., April 16, 1901.

In the matter of the application of Samuel H. Starr for the enrollment of himself, wife and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Samuel H. Starr.
Q How old are you? A 26.
Q What is your post-office address, A Cottonwood.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee Nation as a Freedman? A Yes sir.
Q Is your name on the roll of 1830? A No sir, I don't guess it is.
Q Why? A I don't know.
Q Who do you desire to enroll besides yourself? A Three children.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sadie Starr.
Q Is she a citizen? A No sir.
Q What are the names of your children? A Sallie.
Q How old is Sallie? A Five years old.
Q What is the name of the next one? A Lillie.
Q How old is Lillie? A Three.
Q Name of the next one? A Leona.
Q How old is Leona? A Ten months old.
Q What is your father's name? A Sam Starr.
Q Is he living? A No sir.
Q Your mother's name? A Nancy Starr.
Q Is she living? A Yes sir.
Q Where were you born? A Cherokee Nation, Sequoyah.
Q Have you lived there all your life? A Yes sir.
Q Never lived anywhere else? A No sir.
Q You say your name is not on the roll of 1830? A No sir.

1830 authenticated roll of citizens of the Cherokee Nation examined and name of applicant is not found thereon.

- Q Your mother not on the 1830 roll either? A No sir, I don't reckon.
Q Why isn't she on? A I don't know.
Q Is she living? A Yes sir.
Q Was she a slave? A The way she was.

1830 authenticated roll of citizens of the Cherokee Nation examined, and applicant's mother not identified thereon.

- Q By what right do you claim to be a freedman; you are not on the roll, nor your mother is not on? A I am on the other rolls they have got here I reckon.

NANCY STARR, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Nancy Starr.
Q How old are you? A 52.
Q What is your post-office address? A Cottonwood, now.
Q Are you a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities? A No sir.
Q Why? A Well, they just didn't recognize me.

- Q Were you a slave during the war? A Yes sir.
- Q What was your owner's name? A Walk Mayfield.
- Q Where were you during the war between the United States and the Confederacy? A We was out here in the United States during the war; we was in Texas until peace was made.
- Q When did you come back from Texas? A We never come back until the next year after peace was made.
- Q What year was that? A I don't know; next year after peace was made, in the winter.
- Q You have been living here ever since? A Yes sir.
- Q Is Sam Starr your son? A Yes sir.
- Q Where was he born? A He was born down there in Sequoyah; all of my children.
- Q He was born after you come back from Texas? A Yes.
- Q Did he ever apply to the Cherokee authorities to be enrolled as a Freedman? A I never; my father did.
- Q Did you draw what was known as the Strip money in 1862?
- A Yes sir.
- Q Cherokee Strip money, you drew that did you? A Wasn't that the Clifton roll?
- Q Yes? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

- Q Your father's name was Henry West? A Yes sir, his name was Henry Mayfield, and when peace was made the colored people had to change their names, and he changed his name to Henry West; that was my father; he belonged to Walk Mayfield.
- Q He come back from the south with Walk Mayfield? A Yes sir.
- Q When were you married to Sam Starr? A Twenty years before he was killed.
- Q Did he come back when you did? A I don't know nothing about it; he was here when I come; I don't know nothing about when he come.
- Q You know what month of the year you come in, was it April?
- A No, I come back here in the winter; snowey, sleety; it was cold.
- Q You come back with your father, Henry West? A Yes sir.
- Q You say your father did apply to the Cherokee Nation for citizenship? A Yes sir. He applied for citizenship.

Examined by Commissioner Needles:

- Q You don't know what year it was you come back? A I come back here next year after the war, in the winter.
- Q When was the war over; was you here in '66? A They said it was '66, but of course I didn't now one year from the other; they said it was '66; my old boss told my father it was; I heard them talking about it.

Examined by Cherokee Representative, W.W.Hastings:

- Q How long did your boss live after the war? A I don't know.
- Q About how many years? A I have no idea; long time.
- Q Good number of years? A Yes sir.

Applicant, Samuel H. Starr, recalled, and further examined by Commissioner Needles:

- Q Sam, you always been living in the Cherokee Nation, all your life? A Yes sir.

1866 census roll of citizens of the Cherokee Nation examined and name of applicant not found thereon.

- Q Did you draw your Strip money? A Yes sir.

Samuel H. Starr et al 3

Kerns-Clifton Pay roll of citizens of the Cherokee Nation examined, page 112 #2792 Sam Starr, Illinois District.

NANCY STARR, witness, re-called, and further examined by Commissioner Needles:

Q You married Sam's father after you come back? A Yes sir, I divorced her her many years I was back here when I married him; I was married to him twenty years.

Q How long has Sam Starr been dead, your husband? A Eight years.

1890 indicated roll of citizens of the Cherokee Nation examined and name of applicant's father not on the roll.

Q His name don't appear to be on the 1890 roll either? A (No reply)

D.M. FAULKNER, being sworn and examined by Commissioner Needles, testifies as follows:

Q What is your name? A D.M. Faulkner.

Q What is your age? A About 69.

Q Are you a Cherokee citizen? A Yes sir.

Q By blood? A Yes sir.

Q What is your post-office address? A Hanson.

Q You know Nancy Starr, mother of Sam Starr? A Yes sir.

Q You know when she returned from Texas after the war? A Well, I couldn't say for certain; there was a son of old Henry West's family returned in April, '67; she was always said to be Henry West's daughter.

Q Henry West was her father? A Yes sir.

Examined by Cherokee Representative, W.W. Hastings:

Q Your first wife was related to Walk Bayfield? A Yes sir, that was her uncle.

Q And she was teaching school in Sequoyah District in the spring of 1867? A Yes sir.

Q And Walk Bayfield, when he came back from Texas, returned to Sequoyah? A Yes sir.

Q I would like for you to explain why you know when Walk Bayfield came back here? A Henry West come in with Walk Bayfield in '67; he returned from Texas; and I went over there with, -well, she was Rachel E. Adair then, afterwards my wife; I went with her over there just after they was there, and Henry West was there; just had come with in with Bayfield.

Examined by Commissioner Needles:

Q That Henry West was the father of Nancy Starr? A Yes sir, that's my understanding.

NANCY STARR, witness, re-called, and further examined by Commissioner Needles:

Witness: We came here in the winter just after the war; we staid there in the bottom before we ever come up on the hill; we staid in camps.

Q Did you come back with Henry West when he came back? A Yes sir, I come back with him.

Examined by Cherokee Representative, W.W. Hastings:

Samuel W. Starr et al 4

Q And you came back with Walkersfield? A Yes sir. Came back here next year after peace; I don't know what you call it.

Examined by Counsel for Plaintiff:

Q What time in the year? A It is in the winter, it was freezing cold, and snow.

Q In the winter? A We didn't come back xxx in the winter; we come back in the winter.

142 W. STARR, being sworn, examined by the plaintiff's counsel testified as follows:

Q What is your name? A Sam Starr.

Q To what place? A I don't know.

Somewhere about 49 or 50 I reckon.

Q What is your post-office? A W. Starr.

Q Are you a Cherokee? A Yes sir.

Q Recognized as such by U. S. Government? A Yes sir.

Q What is your name? A Sam Starr.

Q Did you know his father? A Yes sir, he was my brother.

Q What was his father's name? A Sam.

Q Was he a slave during the war? A Yes sir.

Q What is his owner's name? A Lila and Ellis; a man named Ellis and a mistress named Lila.

Q Did Sam Starr go out of the Cherokee Nation during the war? A Yes sir.

Q Where did he go to? A Down in the Chickasaw and Choctaw Nation.

Q Got any children there? A No sir.

Q When did he come back here to the Cherokee Nation? A Came back the year peace was made.

Q You his brother? A Yes sir.

Q Why wasn't he recognized by the Cherokee authorities as a Cherokee citizen? A Why, him and a fellow differed I believe in a election, and they refused to put him on the roll in the year '75, and after that time he never did go to enroll any more until he went before Wallace.

Q You say he never did go out of the Nation during the war? A I told you he did; he went down in the Chickasaw Territory.

Q He never went out of the Territory? A No sir.

Q Did you go with him down there? A I went with my owners down there.

Q Did you go with Sam? A Yes sir.

Q Did you come back with Sam? A Yes sir.

Q You and he came back together? A Yes sir.

Q Is your name on the roll of 189? A It is; and on the roll of '75, too. It's on all of them I reckon; it ought to be there.

Examined by Cherokee Representative, J. Westers:

Q What else came back with you, Harry? A All of these folks here, Joe and Sarah; Joe Johnson and Sarah Wilson out here.

Q Did any of the Cherokee Starrs come back with you? A No they didn't; we left them down there.

Q What names did you leave down there? A Left the ones I belonged to.

Q Who are they? A Lila.

Q Who else? A Lila.

Q Did you leave anybody else down there? A Left her children.

Q What was their names? A Hollis and George.

Q Any of them alive now? A No; they are all dead.

Q What part of the Cherokee Nation did you come back to? A Sequoyah District.

- Q What part of Sequoyah? A Down there were I used to live.
Q Where was that? A Down there in that Dr. Bell place on the river.
Q That's the first point you came to when you came from the south?
A No, came through Ft. Smith.
Q Lived in the Cherokee Nation? A Yes.
Q How long did you live in the Nation after you first came back?
Q I lived there until I came on up here.
Q Well, how long was that? A I come, I don't know; it has been 25 or 6 or 7 years.

Examined by Commissioner Needles:

- Q Was Sam Starr, father of Samuel H. Starr? A Yes sir.
Q What was the name of Samuel H. Starr's mother? A Nancy.
Q Were they married? A They lived together as man and wife.
Q How long, to your knowledge? A Lived together until he was killed, about eight years ago.
Q About what did they commence living together? A I couldn't tell you.
Q Was Sam H. born while they were living together? A Oh yes sir.
All the children were born while they were living together.
Q They lived together as man and wife? A Yes sir.
Q Recognized by the community as man and wife? A Yes sir.
Q You know why Sam H. Starr's name is not on the roll of 1865?
A Why him and a fellow differed in election, as I said.
Q I thought that had reference to the old man? A His daddy; he went to enroll and they differed in election, and of course he never tried to enroll any more until he went before the Nation.
Q For himself or his children either? A No sir.

JOSEPH JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Joseph Johnson.
Q What is your age? A About 50 or 51.
Q What is your post-office? A Muskogee.
Q Are you a Choctaw Freeman? A Yes sir.
Q Is your name on the roll of 1865? A Yes sir, on all rolls.
Q Do you know Sam H. Starr? A Yes sir.
Q How long have you known him? A From his youth and my youth up. We both belonged to the same man.
Q I mean this ~~man~~ Sam here? A I have known him from childhood.
Q You knew his father? A Yes sir.
Q What was his father's name? A Sam Starr.
Q Was that Sam Starr a slave? A Yes sir.
Q What was his owner's name? A Ellis Starr and Lila Starr; Lila was from the Johnson family.
Q You know where Sam H. Starr's father was during the war with the Confederacy? A Yes sir.
Q Where? A In the Choctaw Nation, near Blue.
Q Were you with him? A Yes sir.
Q What relation are you now? A Well, said to be cousins by father.
Q When did Old Sam Starr come back from the Choctaw Nation to the Cherokee Nation? A Well, we returned here claiming to be '65; that's what the people told us.
Q Did Old Sam Starr live in the Cherokee Nation until his death? A Yes sir.
Q You returned with him? A Yes sir.
Q You are Sam Starr, father of Sam H. Starr, returned there at the same time? A Yes sir.
Q Who was your owner? A Ben Johnson, father of Lila Starr.

Samuel M. Starr et. 16

Examined by Clerk for Representative, W.W. Hastings:

- Q You came back with them, did you? A Yes sir.
- Q To what point did they return? A We came to Ft. Smith, first, and from there over to the old Vann place; now the Bell place.
- Q Who was living on that place when you first came back? A No one at that time.
- Q Was there any Cherokees in that community at all? A The only family we struck that we knew there was the King family.
- Q How many of them living now? A I don't know.
- Q How many that you know of? A None that I know of.
- Q What are the first Cherokees you remember seeing there? A An old Indian named Crying Bear.
- Q Who is not living? A I couldn't tell you.
- Q How long did you stay there? A We staid there two or three I don't know.
- Q What other Cherokees besides those you have mentioned came in there? A Those I have mentioned were there at the time; I don't remember any others.
- Q Did any Cherokees come back with you from the south? A No, sir, we hoofed it with our bundles on our back; there was no wagons or horses; nothing but a dog, and I packed a couple of chickens under my arm from Blue.

Examined by Commissioner Needles:

- Q You first came to Ft. Smith? A Yes sir.
- Q How long did you stay in Ft. Smith? A We staid there one week, and then come over.

DENNIS BEAN, being sworn and examined by Commissioner Needles testified as follows:

- Q What is your name? A Dennis Bean.
- Q What is your age? A About 2 I guess.
- Q What is your post-office address? A Muldro.
- Q Are you a Cherokee Freedman? A Yes sir.
- Q Recognized by the Cherokee Nation? A Yes sir.
- Q Is your name on the roll of 1830? A Yes sir.
- Q You know Sam H. Starr, the applicant? A Yes sir.
- Q Did you know his father? A Yes sir.
- Q What was his name? A His name was Sam Starr.
- Q Was he a slave? A Yes sir.
- Q Who did he belong to? A Lila Starr.
- Q You know where Sam Starr, father of the applicant, was during the war between the United States and the Confederacy? A Well, I don't know as I do; I know where he was in '66.
- Q Well, where was he in '66? A He was down here close to Ft. Smith, on this side of the river.
- Q Was that the first time you knew him? A Yes sir.
- Q First time you knew Old Sam Starr was in '66? A Yes sir.
- Q You didn't know him before that? A I might have saw him.
- Q Did he live in the Cherokee Nation until his death from that time? A Yes sir.

ALBERT JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Albert Johnson.
- Q How old are you? A 43.
- Q What is your post-office address? A Bango.
- Q Are you a Cherokee Freedman? A Yes sir, I am a Cherokee Freedman.
- Q Is your name on the roll of 1830? A Yes sir.

Samuel H. Starr et al 7

- Q You know Sam H. Starr, the applicant here? A Yes sir, I know him.
- Q How long have you known him? A I have been knowing him ever since he was born.
- Q Did you know his father? A Yes sir.
- Q What was his father's name? A Sam Starr.
- Q You know where the applicant's father, Sam Starr, was during the war between the United States and the Confederacy? A He was down in the Choctaw Nation, some place, is all I know.
- Q Was you with him? A No sir, I wasn't right with him then.
- Q You know when he returned to the Choctaw Nation? A Yes sir, he come when we all did.
- Q When was that? A In '65.
- Q You come with him? A Yes sir, we all come together; well, not exactly together; he was just about a week ahead of us; me and my mother and two sisters.
- Q You found him when you got here? A Yes sir, he was on Poteau.
- Q Over on Cherokee side? A No sir, over on Poteau on the Mt. Smith side; well, I guess it must have been the Choctaw side; I don't know where exactly.
- Q When did he go on the Cherokee side, do you remember that? A He was over there often and on all the time, working at Mrs. Stonerow's.

Applicant, Samuel H. Starr, re-called, and further examined by Commissioner Needles, stated:

- Q Is your wife a citizen? A No sir.
- Q Have you got any proof of marriage? A Yes sir.
- Q Have you a certificate of marriage? A No sir.
- Q Who married you? A Elder Turner.
- Q Is he living? A Yes sir.
- Com'r: You can get a certificate from him, and file with us then.
- Q What was her name? A Sadie Hutchings.

Commissioner Needles: The name of Samuel H. Starr if not found upon the authenticated roll of 1880 nor the census roll of 1896; his name is found upon the Sears-Clifton roll; he applies to be enrolled as a Cherokee Freedman; he avers that he was married to one Sadie Hutchings, a non-citizen, and of said marriage he has three children, Sallie, Lillie and Leona; he claims that he is a son of Nancy and Samuel Starr; the names of neither his father Samuel, nor his mother Nancy are found upon the authenticated roll of 1880; he makes satisfactory proof as to the marriage of his father Samuel Starr, to his mother, Nancy, and he claims citizenship through the right of his father, Samuel. Satisfactory testimony is given as to the citizenship of his father, and he is duly identified as the son of Samuel Starr by his wife Nancy; now comes the Cherokee Nation and protests against the enrollment of Samuel H. Starr and his three children, on legal grounds, but do not deny the fact that satisfactory proof has been made as to the said Samuel H. Starr being the son of Samuel Starr, and that Samuel Starr returned to the Cherokee Nation within the time specified by law, and that said Samuel Starr was a slave of a Cherokee citizen; said Samuel H. Starr is duly identified; the Commission is satisfied as to his rights to enrollment as a Cherokee Freedman, but because of the protest of the Cherokee Nation, purely upon

Samuel H. Starr et al 8

legal grounds as to this case, the final judgment as to the enrollment of said Samuel H. Starr and his three children, Willie, Millie and Leona, will be suspended, and their names will be placed upon a waiting list; and it will be necessary for said Samuel H. Starr to file with this Commission satisfactory proof of birth as to his three children, their names not appearing upon any of the rolls, and also certificate of marriage as to his marriage between himself and his present wife, Sadie Hutchings.

W.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.

W.D. Green

Subscribed and sworn to before me this April 13, 1901

W.D. Green

Commissioner

Cherokee Freedman

81387
D. 89

189

IN RE

Application for Enrollment of

Infant

MINOR CHILD

Act of Congress Approved

April 26, 1900.

Hewitta Starr.....

as a citizen of

Cherokee..... Nation.

Approved *April 24* 1901.

E. B. Needles.....

Commissioner.

Department of the Interior

Commissioner to the Five
Civilized Tribes

Filed Apr 24-1901

James B. Gentry

Attorney General

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 Hannetta Starr, born on the 1st day of December, 1896.
[Here insert name of child]
Name of Father: Henry Starr a citizen of the Cherokee Nation.
Name of Mother: Peggie Starr a citizen of the United States Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Cottontown, Tenn.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Northwest District. }

I, Peggie Starr on oath state that I am 27
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Henry Starr, who is a citizen, by
adoption, of the Cherokee Nation; that a Female child was
[Male or Female]
born to me on 8th day of Oct, 1896; that said child has been named
Hannetta Starr and is now living and was living March 4, 1906.

Peggie Starr
her
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Daniel H. Starr
Dadie Starr

Subscribed and sworn to before me this 18th day of April, 1906.

J. H. Bowers
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Northwest District. }

I, Judith Chambers, a midwife, on oath state that I
attended on Mrs. Peggie Starr, wife of Henry Starr
on the 8th day of Oct, 1896; that there was born to her on said date a Female
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Hannetta Starr.

Judith Chambers
her
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Daniel H. Starr
Dadie Starr

Subscribed and sworn to before me this 18th day of April, 1906.

J. H. Bowers
Notary Public.

Cherokee Indian
1387

20

* R. 89

IN RE

Application for Enrollment of
INFANT CHILD

Jessie Starr
as a citizen of

Cherokee Nation

Approved April 24 1901

J. G. Needles

Commissioner.

Department of the Interior
Commission to the
Five Civilized Tribes
Filed April 24, 1901
G. A. S. Dixley
acting Chairman

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Jessie Starr, born on the 11th day of November, 1898
(Here insert name of child.)
Name of Father: Henry Starr a citizen of the Cherokee Nation.
Name of Mother: Peggy Starr a citizen of the United States.
Postoffice at the house

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT

I, Peggy Starr, on oath state that I am 22
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Henry Starr, who is a citizen, by
adoption, of the Cherokee Nation; that a female child was
(Male or Female.)
born to me on 8th day of November, 1899 that said child has been named
Jessie Starr, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)
Daniel H. Starr
Dadie Starr

Peggy Starr
mark

Subscribed and sworn to before me this 18th day of April, 1901.
J. H. Bowers
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Judith Chambers, a midwife, on oath state that I
attended on Mrs. Peggy Starr, wife of Henry Starr
on the 8th day of Nov, 1899; 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 Jessie Starr

WITNESSES TO MARK:

(Must be Two Witnesses.)
Daniel H. Starr
Dadie Starr

Judith Chambers
mark

Subscribed and sworn to before me this 18th day of April, 1901.
J. H. Bowers
Notary Public.

71387
20
E. K. 199

IN RE

Application for Enrollment of
INFANT CHILD

Harvey Stone
as a citizen of

Denmark Nation

Approved _____ 1907

E. B. Anderson
Commissioner.

Report made by the Secretary
Commissioner to the
Civilized Societies

Filed June 21 1907

James S. Gilbert
Chairman

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Harry Starr, born on the 14th day of Dec, 1901
Name of Father: Harry Starr a citizen of the Cherokee Nation.
Name of Mother: Peggy Starr a citizen of the Cherokee Nation.
Postoffice: Hattonwood Dist Tex

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Cherokee DISTRICT

I, Peggy Starr, on oath state that I am 22
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Harry Starr, who is a citizen, by
adoption, of the Cherokee Nation; that a (Male or Female) child was
born to me on 14th day of Dec, 1901; that said child has been named
Harry Starr, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

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

J. H. Bowers
Notary Public.
Commission Exp. June 10-1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Cherokee DISTRICT

I, Jada Chambers, midwife, on oath state that I
attended on Mrs. Peggy Starr, wife of Harry Starr
on the 14 day of Dec, 1901; that there was born to her on said date a Male
child; that said child is now living and is said to have been named Harry Starr

WITNESSES TO MARK:

(Must be Two Witnesses.)

J. R. Kinsley
B. Wasson

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

J. H. Bowers
Notary Public.
Commission Exp. June 10-1904

Cher. F. D. 89.

This Certifies That Henry Star and Peggie Wilson were by me united in marriage according to the laws of the State of Cherokee Nation U. S. on the 15 day of July in the year of our Lord one thousand 8 hundred and ninty six 1896, at my house.

Witnesses Jane Fines
 Callis West Rev R. Fines.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, Jan. 31, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original on file with this Commission.

C. H. Beckwith
Commissioner.

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

In the matter of the application for the enrollment of Nancy Starr et al. as Cherokee Freedmen, consolidating the applications of

Nancy Starr,.....	Cherokee Freedmen	D	998
Samuel H. Starr, et al.,.....	"	"	D 86
Sarah Barnes, et al.,.....	"	"	D 84
Nellie McLain, et al.,.....	"	"	D 88
Henry Starr, et al.,.....	"	"	D 89
Charles Mayfield, et al.,.....	"	"	D 1001

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Nancy Starr for herself; by Samuel H. Starr for himself and his three minor children, Sallie, Lillie and Leona Starr; by Sarah Barnes for herself and her three minor children, Jennie, Samuel and Nola Barnes, and subsequent to this application, a birth affidavit was filed for her child, Robert Barnes, and is made a part of the record herein; by Nellie McLain for herself, her three minor children, Leo, Maxie and Cassie M. McLain, her sister, Annie Starr, her two brothers, George and Turner Starr, her niece, Frances Wilson, and her two nephews, William B. and Ernest Wilson; by Henry Starr for himself and his two minor children, Henrietta and Jessie Starr, and subsequent to this application, a birth affidavit was filed for his child, Harry Starr, and the same is made a part of the record herein; by Charles Mayfield for himself and his five minor children, Emanuel, Beulah, Royal, McKinley and Nathaniel Mayfield, and subsequent to this application, a birth affidavit was filed for the applicant's child, Bennie Mayfield, and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the application of Houston West, are made a part of the record herein.

The evidence shows that the said Nancy Starr was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. All the other applicants, herein, are the descendants of said Nancy Starr and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nancy Starr, Samuel H. Starr, Sallie Starr, Lillie Starr, Leona Starr, Sarah Barnes, Jennie Barnes, Samuel Barnes, Nola Barnes, Robert Barnes, Nellie McLain, Lee McLain, Maxie McLain, Cassie M. McLain, Annie Starr, George Starr, Turner Starr, Frances Wilson, William B. Wilson, Ernest Wilson, Henry Starr, Henrietta Starr, Jessie Starr, Harry Starr, Charles Mayfield, Emanuel Mayfield, Beulah Mayfield, Royal Mayfield, McKinley Mayfield, Nathaniel Mayfield and Bennie Mayfield as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 1 - 1903

18/5

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Henry Starr,
Cottonwood, I.T.
Cherokee F-D-89
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee F.D-89

Muskogee, Indian Territory, July 11, 1903.

Henry Starr,

Cottonwood, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your three minor children, Henrietta, Jessie and Harry Starr, as Cherokee freedmen, together with a copy of the Commission's decision dated July 1, 1903, rejecting, among others, your said application.

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

Respectfully,

I. D. Woodcock

Commissioner in Charge.

Enc. D-89

Register.

Cherokee F.D-998-
85-86-88-89-1001

Muskogee, Indian Territory, July 11, 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 July 1, 1903, in the consolidated case of Nancy Starr et al., rejecting the applications for the enrollment of Nancy Starr, Nellie, Leo, Maxie and Cassie M. McLain, Annie, George and Turner Starr, Frances, William B. and Ernest Wilson, Sarah, Jennie, Samuel, Wola and Robert Barnes, Samuel H., Sallie, Lillie, Leona, Henry, Henrietta, Jesuic and Harry Starr, Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen.

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,

Commissioner in Charge.

Enc. D-75

COPY

Cherokee N.D-998-
25-86-88-89-1001

Washington, D. C. Territory, July 11, 1903.

The honorable
the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nancy Starr et al., including the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, Nellie, Mae, Marie and Cassie M. McEain, Annie, George and Turner Starr, Frances, William B. and Ernest Wilson, Sarah, Jennie, Samuel, Hoin and Robert Barnes, Samuel H., Callie, Elbie, Leon, Henry, Henrietta, Jennie and Harry Starr, Charles, Emanuel, Paulah, Royal, McKinley, Nathaniel and Eunice Mayfield, as Cherokee freedmen.

Respectfully,

J. D. Medico

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-76

CCF.

Land
44290-1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commissioner to the Five Civilized Tribes in the matter of the application of Nancy Starr for the enrollment of herself; of Samuel H. Starr for the enrollment of himself and his three minor children, Sallie, Millie and Leona Starr; of Sarah Barnes for the enrollment of herself and her three minor children Fannie, Samuel, and Mole Barnes; of Nellie McMain for the enrollment of herself and her three minor children, Lou, Lizzie and Cassie E. McMain, also her sister Annie Starr, her two brothers George and Turner Starr, her niece Francis Wilson, and her two nephews William E., and Ernest Wilson; of Henry Starr for the enrollment of himself and his two minor children Henrietta and Jessie Starr; and of Charles Mayfield for the enrollment of himself and his five minor children Emanuel, Haulah, Royal McKinley and Nathaniel Mayfield. It further appears that Robert Barnes, Henry Starr and Jennie Mayfield were all born subsequent to these applications and that birth affidavits have been filed in relation to them, which affidavits are made a part of the record. These parties all make application to be enrolled as Cherokee Freedmen.

On July 1, 1903, the Commission rendered a decision in this

case, finding from the evidence that the said Nancy Starr was a slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 16, 1867; that all the other applicants herein are descendants of said Nancy Starr and have no rights as Cherokee Freedmen except such as they may have acquired through her; that none of the names of the applicants herein are found on the 1880 authenticated Cherokee roll; and that by reason of said findings the Commission is of the opinion that these applications should be denied under the provisions of section 21 of the act of Congress approved January 26, 1868 (15 Stat., 496).

I have examined the evidence submitted in this case both for and against the applicants. Nancy Starr, the alleged ancestor through whom all these applicants claim their right to enrollment, testifies that she is about 82 years old; that her name is on the Kern-Clifton and Wallace rolls; that her husband was Sam Starr, and that Henry West was her father; that she was a slave of Walk Mayfield, and that Jane Mayfield was her mistress, both of whom were Cherokee citizens; that she went to Texas during the war; that she came back the next year after peace, in the winter, to Lila Starr's place and has been living in the Cherokee Nation ever since.

On cross examination the witness testifies that she was born in Texas and that she went from Texas to the Cherokee Nation when very small; that she went to Texas from the Cherokee Nation with Walk Mayfield in the time of the war. The witness then states that she does not remember about coming from Texas to the Cherokee Nation after

her birth but that they said she was born in Texas, but she does remember going to Texas with Mayfield during the war to a place near Bellview; that they came back the next year after the war "way in the fall like".

The witness testifies that she now lives on her father's place; that his name was Henry Mayfield in slavery; that when they located there after the war, a Cherokee named Crying Bear lived there, also Marion Johnson, Uncle Tom Hagsuale and Billy Sanders and his wife. Witness further testifies that she and Houston West are brother and sister, and that she came to the Cherokee Nation the same time as Houston West; and that she is older than her said brother.

The records show the following order issued by the Commission on September 18, 1901, in the matter of the application of Nancy Starr et al:

The Cherokee Nation makes satisfactory proof of service of notice that testimony would be taken in the matter of the application of the said Nancy Starr for enrollment as Cherokee Freedman at Fort Gibson, Indian Territory, on the 13th day of September, 1901. Said Nancy Starr has been called three times and does not respond. The Cherokee Nation desires that the evidence of W. T. Harnage, Ezekiel Harnage and D. M. Faulkner, taken in the matter of the application of Houston West for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory on the 4th day of September, 1901, be made a part of the record in the case of the said Nancy Starr. The order will be made.

Upon examining this evidence submitted in the matter of the application of Houston West for enrollment, and which is made a part of the record herein by the order of the Commission, I find that the said Houston West testifies that he is 47 years old; that he was a slave and belonged to Walk Mayfield, who was a Cherokee citizen; that he went to Texas during the war and returned to the Cherokee Nation in 1868; and that when asked what time in 1866, replies, "It was in the winter". The witness further testifies that he has lived in the

Cherokee Nation ever since that time.

In cross-examination by counsel for the Cherokee Nation, the witness testifies that his father's name is Henry West and his mother's name is Phoebe; that he belonged to the Mayfields and was living on the Blackburn place in Sequoyah at the beginning of the war; that he went to Texas the second year of the war and stopped at the old Mayfield place near Bellville, Texas; that his father belonged to Belk Mayfield at the beginning of the war. The witness claims that he returned to the Cherokee Nation in 1866 with Belk Mayfield and his family.

The witness testifies that his father died in 1893 or 1894, and that his mother died before that date; that the names of his father and mother are not on the roll of 1880 but that the name of his sister, Mary Whitmore, is on the 1880 roll; and that she went to Texas with him and returned with him. This statement of the witness is verified by the record which shows that his sister, Mary Whitmore is on said 1880 roll.

There are then several witnesses called in behalf of Houston West's claim, and they all more or less substantiate the facts testified to by him.

At the close of the testimony on his behalf, the Commission gives a short synopsis of the status of his case and among other things say-

The evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Nation and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given, consequently, the said Houston West and his five children will be listed as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at, he will be notified by mail.

Subsequently on September 4, 1861, the Cherokee Nation submitted the testimony referred to above, but the applicant was not present or represented by counsel.

The first witness W. T. Harnage testifies that he is about 53 years old, is a Cherokee citizen by blood, and I wish to invite the attention of the Department to the manner in which the first question of importance is submitted to him by counsel for the Cherokee Nation, as follows:

"I believe you made a statement that you returned here in January of 1866, after the war." Answer, "Yes sir."

So far as the record shows, the witness had made no such statement, and to say the least, it is certainly a very leading question, and in view of the fact that the claimant was not present either in person or by counsel, is a very improper one.

The witness then testifies that he knows Walk Mayfield, who is his uncle; that when he came back in 1866, he located just across the river from Fort Smith in Sequoyah district, and continued to remain there until after Christmas when he went up to Flint.

The counsel for the Nation again undertakes to testify for the witness at this point, and suggests to him that he remained until "about the 1st of January". To which he replies "about the 1st of January sometime".

The witness then testifies that his uncle, Walk Mayfield had not returned when he left there, and that he remained up in Flint until about the middle of April, went back down in the bottom (where he had first located) and found him there when he returned in April, 1867.

-2-

It is made to appear from this witness, that Walk Mayfield had not returned to the Cherokee Nation up to about the 1st of January, 1867, when this witness left the bottom and went up to Flint, but that when he again returned to the bottom in April, 1867, he found Walker Mayfield there.

The witness does not pretend to say at what time between about January 1, 1867 and April, 1867, Walker Mayfield returned to the nation. This witness further testifies that he left Walker Mayfield in Texas when he, the witness, started back. The Commissioner then makes inquiry as to when the witness started from Texas, and he replies "In December, in November '66". The witness further testifies that Walk Mayfield brought his old slaves back with him; that he knew Houston Vest, and saw them together at that time; that Houston Vest was in Texas when he left there living on Mayfield's farm; that they made a crop there.

The next witness testifying in behalf of the nation is Ezekiel Harnage, who says he is 38 years old, is a Cherokee citizen, and was in Texas when the war closed and came back to the Cherokee Nation the 16th day of December, 1866, and located in that part of the Cherokee Nation known as Sequoyah district; that he is a second cousin to Walk Mayfield and is a half-brother of the witness, W. T. Harnage.

The witness further testifies that he knows Walk Mayfield; that he saw him in Texas; that he lived within less than two miles of him there; and that he left Mayfield in Texas when the witness moved up to Sequoyah, December 16, 1866. And, when asked "Now what time did Walk Mayfield come to the Cherokee Nation?" Witness replies "To the best of my knowledge Walker Mayfield came there along in the latter

part of March 1867." The witness also testifies that Mayfield brought his slaves with him; that he knows Houston West; and that he, the witness, continued to reside in Sequoyah district from December 16 until the following March or April; and that Mayfield located about four miles or five from him.

On being examined by the Commission, the witness testifies that Houston West was the slave of Walk Mayfield; that he first saw Houston after the war, after Mayfield came back to the nation, and saw him with Mayfield's family. The witness further testifies that he is positive that Mayfield did not come back to the Cherokee nation until after January 1867; that he fixes that fact in his mind in connection with going to work to make a crop.

The next and last witness to testify on behalf of the nation is J. W. Talzer, who says he is about 50 years old, is a Cherokee by blood; that his wife claimed Walk Mayfield as her uncle; that he was living in Sequoyah district in 1866 and the spring of 1867; that he knew Mayfield before the war and when asked "When did Walk Mayfield return after the war?" replies, "Well, he returned about the first week of April, 1867". And when asked to tell why he fixes that time and all the circumstances, replies "Well, this young lady "that I spoke of"-- "That you afterwards married?" "Yes; she was boarding with my sister, teaching school, and the news come that he uncle had come here from Texas, just from Texas, and I went with her over there that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in"

The testimony further shows that the witness had to go four

miles, and that the reason he is so positive about it, he, and this young lady were married about ten or fifteen days after that; that he has got it in the bible at home and this time is dated on the 17th or 27th of April when they were married; and that just a few days before that was when he and this young lady went over to her uncle's, Walk Mayfield.

The witness further testifies that they had some slaves, colored people, with them; that there was an old man named Henry West, and that he has known him ever since that time; that they claimed they had brought the slaves but that the old man was all he say.

Counsel for the nation then asked this witness the following question: "Had they unloaded the wagons, when you got there?" Answer: "There was a covered wagon standing there when we got there."

The above is in substance all of the testimony submitted in this case on behalf of the Cherokee Nation, and I take it that the Commission, in rendering said decision has based the same upon the testimony of these three witnesses.

I do not consider that this testimony on the part of the nation is of such a character, or is so conclusive that said decision if based thereon, is justified. The only thing that the witness W. T. Harnage testifies to that even tends to show that Walk Mayfield did not return prior to February 11, 1867, to the Cherokee Nation, is the fact that he states when he left there about January 1, 1867, Mayfield has not yet arrived; but that when he returned in April, 1867, Mayfield was there. The witness does not undertake to say on what day or in what week between January 1, 1867 and April, 1867 Mayfield returned. I therefore conclude that his testimony utterly fails to

show that Mayfield did not return to the nation prior to February 11, 1867.

The next witness, Ezekiel Warrage, does not know when Walk Mayfield returned to the Cherokee Nation, for he says: "To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867", and undertakes to say that he fixes that fact in his mind in connection with going to work to make a crop. He swears positively that Mayfield did not come back to the Cherokee Nation until after January 1, 1867, but gives no facts and states no reason why he knows that to be true, that are of sufficient importance to be given any serious consideration, considering the long lapse of time since that date.

The next witness for the nation, D. L. Falkner, testifies that Mayfield returned about the first week of April, 1867, and undertakes to show that he knows this to be true for the reason that he and Rachel L. Adair, his first wife, went over to see Mayfield about the 1st of April, 1867, and that Mayfields claimed they had just come in.

It is not necessary to dispute the fact that Falkner and his intended wife made this visit and made it at or about the time to which he testifies, but this fact does not establish or show when Walker Mayfield returned to the Cherokee Nation. Falkner testifies that Mayfields claimed they had just come in, but this does not show whether they had been in one week, two weeks, or six, for ever though they had been in the nation six weeks or two months, it would be but natural for them to say to him that they had just come in. Falkner does not undertake to say on what day, or in what month in 1867 Walk Mayfield and his people returned to the Cherokee Nation.

Now, advertng to the testimony of Nancy Starr, I consider her testimony direct and to the point, and it appears from her replies that she is more or less intelligent and capable of narrating facts and circumstances, and she insists in her testimony that they returned to the Cherokee Nation in the winter although she does not pretend to say in what year, excepting that it was the next year after the war. It will be noted that Houston West also testifies that he returned to the Cherokee Nation in the winter.

Nancy Starr further testifies in the matter of the enrollment of Samuel W. Starr for the enrollment of himself and his three minor children, when being cross examined by the representative of the Cherokee Nation, as follows:

"Yes, I was born north of the war you were in, was it April?"
Answer: "No, I came back here in the winter, maybe, maybe, it was cold."

I do not deem it necessary to take up all this testimony and discuss the same, but inasmuch as the Department has decided that the six months period within which Cherokee Freedmen were entitled to return to the Cherokee Nation under the provisions of the treaty of 1866, did not terminate until February 11, 1867, and inasmuch as the Cherokee Nation, in my opinion, absolutely fails to show that Walk Yayfield did not return to the Cherokee Nation until after February 11, 1867, and inasmuch as the applicants testified that they did return the first year after the war, in the winter time, and submit the testimony of a number of witnesses substantiating their claim, I consider that the decision in this case, denying the claim of the applicants should be set aside, and that they should be enrolled as Cherokee Freedmen, citizens of the Cherokee Nation.

It appears that a sister of Houston West has already been placed on the 1860 roll, and has been enrolled as a Cherokee Freedman citizen of said nation, and the testimony of all the witnesses in this case shows that this sister and her said brother, Houston West returned at one and the same time, and that in fact Walker Wayfield and all of his slaves returned together.

From the testimony submitted it plainly appears that while the Walker Wayfield slaves were in law free, yet they evidently remained as a part and parcel of the family and had worked for him, or with him, on the Wayfield farm in the State of Texas and raised a crop there during the summer of 1866. It is quite evident to my mind from all of the testimony, and the facts, that his slaves at that time had no abode in the State of Texas, that said himself they were there temporarily, and in view of the further fact that his said relatives, W. C. Warrage and Ezekiel Warrage returned to the Cherokee Nation late in the fall of 1866, I can not understand why he remained in Texas so long as to not be able to reach the Cherokee Nation until the first week in April 1867. Being a farmer it would be but natural that he would want to remove to the nation in time to look after a crop for the year 1867, and I am fully satisfied that the claim of these applicants that the said Walker Wayfield did return in the late fall or early winter of 1866-7 is correct; and that he did return to said nation taking with him said slaves prior to February 11, 1867. There is not a particle of proof that he did not do so, and where it is upon this to fix the exact date of the return of these parties I consider that a decision must necessarily be given upon such facts

and circumstances as tend to show when they did return.

There seems to be no question as to the status of all these applicants, they are either all entitled to enrollment or should all be denied, since they are all either Cherokee Freedmen or the descendants of Cherokee Freedmen, I therefore recommend in view of the foregoing that each of said applicants above named be enrolled as Cherokee Freedmen citizens of the Cherokee Nation.

Very respectfully,

A. C. Tenner
Acting Commissioner.

W.C.P.(B)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D C 10058-1904.

April 4, 1904.

I.T.D. 1108-1904.

IRS.

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

Gentlemen:

July 11, 1903, you transmitted the record in the Cherokee freedman case of Nancy Starr, et al., including your decision of July 1, 1903, rejecting the applicants.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed.

You are directed to notify the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument in the case he may desire, and the applicants ten days within which to answer same.

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

1 inclosure.

signed.

Thos Ryan
Acting Secretary.

Cherokee Freedmen
D 89

Muskogee, Indian Territory, April 18, 1904.

Henry Starr,

Cottonwood, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional in which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Chairman.

Cherokee Freedmen
D 85-6-8-9, 998
& 1001.

Muskegee, Indian Territory, April 18, 1904.

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

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, et al., as Cherokee freedmen, cases Nos. C. F. D. 85-6-8-9, 998 & 1001.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from date herocf in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in these cases, a copy of which argument you will be required to furnish the principal applicant in each case.

Respectfully,

Chairman.

Cherokee Freedman D-65-6-2-9-998-1891.

Wahbege, Indian Territory, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sirs

Referring to Departmental letter of April 4, 1904,
(I.T.D. 1168-1904) there are herewith enclosed argument
of the Attorney for the Cherokee Nation, and the reply of
the applicants' attorneys, in Cherokee Freedman D-65, et. al.,
Nancy Starr, et. al.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. 1-13.

C O P Y

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

Land.
49491-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

July 9, 1904-I.T.D. 5406-, the Department advised the Commission that on April 29 last, the attorney for the Cherokee Nation filed a brief protesting against the reopening of the Nancy Starr, et al., case, applicants for enrollment as Cherokee freedmen, and that on June 9 said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which the following appears:

"The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The Commission was advised that the record forwarded with their decision in the Nancy Starr case did not show facts as set out, in the supplemental brief of the attorney for

the Cherokee Nation, and they were requested to inform the Department as to what their records disclosed concerning the subject.

There is enclosed a report from the Commission dated July 18, 1904, transmitting a copy of the decisions of the Cherokee Citizenship Commission in the application for admission made by Henry West, which the Commission say should have accompanied their decision.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-Ma

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

W.C.F.
LLB

JP

I.T.D. 1168, 4648-1904.
4723, 5406-1904.
5724, 6202-1904.
6587, 6943-1904.

September 17, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record in the consolidated Cherokee freedman case of Nancy Starr et al., including your decision of July 1, 1903, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation and directed to notify the attorney for the Cherokee Nation and the applicants that they would be allowed further time in which to file argument in the case.

On May 25, 1904, you transmitted a motion on behalf of the applicants to reopen and remand the case for further hearing.

On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case.

On June 9, 1904, said attorney filed a supplemental

brief on behalf of the Cherokee Nation in which he called the attention of the Department to the fact that the supreme court of the Cherokee Nation in 1871 rendered a judgment rejecting the application of Henry West, the father and grandfather of the applicants in this case. He also stated that in 1878 Henry West again applied to the Cherokee Commission on Citizenship, known as the "Chambers Court," which was authorized to hear and determine applications for citizenship under an act of the National Council approved December, 1877, and that the applicant was rejected by said court.

On August 1, 1904, at the request of the Department you forwarded the decisions referred to by the attorney for the Cherokee Nation, which decisions are made a part of the record.

June 30, 1904, you forwarded the argument of the attorney for the Cherokee Nation, also reply to said argument by the attorney for the applicants. Said arguments have received due consideration.

On July 22, 1904, Thomas J. Watts, attorney for applicants, transmitted a petition requesting that if in the opinion of the Department the proof is not sufficient to admit the enrollment of the applicants that the case be reopened, with the instructions to your Commission to admit applicants to file and make additional proof in support of their claim.

The Department does not consider that the decision of the courts above referred to in the case of Henry West are bind-

ing upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867. A full discussion of the evidence is contained in the Acting Commissioner of Indian Affairs' letter of February 9, 1904, a copy of which was inclosed with departmental letter of July 9, 1904.

The evidence fails to show the exact date on which the applicant Nancy Starr returned to the Cherokee Nation, but from the testimony submitted concerning the circumstances connected with her return, the Department is of the opinion that she returned prior to February 11, 1867.

The Department therefore concurs in the Acting Commissioner's recommendation.

Your decision is reversed and you are directed to enroll the applicants as Cherokee freedmen.

Respectfully,

Thos Ryan,

Acting Secretary.

18 inclosures.

(1) *RH

COPY.

Cherokee Freedmen
D 89

Muskogee, Indian Territory, October 6, 1904.

Henry Starr,

Cottonwood, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1905, rejecting, among others, your application for the enrollment of yourself and your minor children, Henrietta, Jessie and Harry Starr, as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll you and your said minor children as Cherokee freedmen.

Respectfully,

(SIGNED) *Fame Bixby*
Chairman.

COPY.

Cherokee Freedmen
D 998, et al.

Muskogee, Indian Territory, October 6, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy, Samuel N., Sallie, Lillie, Leona, Annie, George, Turner, Henry, Henrietta, Jessie and Harry Starr, Sarah, Jennie, Samuel, Nola and Robert Barnes, Nellie, Leo, Maxie and Cassie M. McLain, Frances, William B. and Ernest Wilson, and Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

SIGNED: *Tamm Dixby*
Chairman.

Cher Fr 1388

Trans. from Cher Fr D1001

See Cher Fr D998

Cher Fr 1388

B

YD1001

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

FILED
JUL 1 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1, 1901
Post Office Pawpaw
District

1. Name *Charles Mayfield* Age *35*
Owner's name _____ Citizenship _____
Year *18* Page *111* No. *2700* District *III*

Parents:
Father *Caesar Mayfield* Citizenship _____
Mother *Nancy Starr* Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father *Overton* Citizenship _____
Mother _____ Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.
	<i>Emmanuel Mayfield</i>	<i>18</i>	<i>111</i>	<i>2700</i>	<i>III</i>
	<i>Reuben</i>	<i>"</i>	<i>111</i>	<i>2700</i>	<i>III</i>
	<i>Royal</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>
6.	<i>McKinley</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>
7.	<i>Mathaniel</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by *John* Stenographer *L. C. Cannon*

1 Cu Walker roll, Page 125-2635 - Seg

*3 Cu K.C. roll as Buklah Mayfield
4, 5 and 6, both appo. required*

Copy of marriage to be supplied.

X Ref. B998

6. P. D. 1001.
Charles Mayfield, pawpaw.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on *Charles*
Mayfield
by delivering a true copy thereof on the
..... day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of , 1901.

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. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIUM,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 6 1901

[Signature]
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of **Charles Kayfield,**
for enrollment as a Cherokee Freedman:

Case No. F. D. **1001**

To **Charles Mayfield, Pawpaw I. T.**

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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Ft Gibson** Indian Territory, on the following dates, to-wit: **September 13th**

A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **5th** day of **Sept.**, 1901.

R. B. Rice

Attorneys for the Cherokee Nation.

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101 of 1

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To be filed with case of Charles Mayfield, C.F.D.#1001.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1, 1901.

In the matter of the application of Nancy Starr for the enrollment of herself as a Cherokee freedman; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Nancy Starr.
- Q How old are you? A I guess I am about 52; will be, my birth.
- Q What is your post-office address? A Cottonwood.
- Q What is your district? A Sequoyah.
- Q You want to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Did you ever try to be enrolled in any other Nation? A NO, sir, no, sir.
- Q Who do you want to enroll besides yourself? A I have got one boy, he is 33.
- Q Well he is old enough to chop wood himself; is your name on any of the rolls of the Cherokee Nation? A Yes, sir.
- Q On the 1880 roll? A No, sir, it is on the Kern-Clifton and the Wallace roll.
- Q Are you married? A No, sir.
- Q Were you ever married? A Yes, sir.
- Q What was your husband's name? A Sam Starr.
- Q Is he living? A No, sir.
- Q What is your father's name? A Henry West.
- Q Your mother's name? A Phoebe West.
- Q Are you living? A No, sir.
- Q Your father living? A He, sir.
- Have you any witnesses here? A Yes, sir.
- Q Were you a slave? A Yes, sir.
- Q What was your woner's name? A Walk Mayfield was my boss. Jane Mayfield was my mistress.
- Q Were they Cherokees? A They said they was.
- Q What do you think about it, were they Indians? A Yes, sir; they was Indians, said to be.
- Q Did you go out of the Cherokee Nation during the war? A Yes, sir, went to Texas.
- Q When did you come back? A I come back next year after peace.
- Q What year was that? A I don't know what year after I come they called it '66 I come back here next year after peace, in the winter.
- Q Where did you come to? A I come to Lila Starr's place, that's where we stopped.
- Q Have you been living in the Cherokee Nation ever since that? A Yes, sir.
- Q Never lived out of it? A No, sir.
- Q Were you married when you came? A No, sir.
- Q You have been married since? A Yes, sir.
- Q Are you living with your husband now? A He is dead.
- Q You haven't married since his death? A No, sir.
- BY MR. JAMES DAVENPORT, Cherokee Rep'ive:
- Q Where were you living when you first remember? A I was born in Texas; I can't hardly remember when I was in Texas first time.
- Q You were born in Texas after Walk Mayfield and the Mayfield family went to Texas? A After they went there?
- Q Yes, you were born in Texas? A Yes, sir.
- Q They were in Texas at the time you were born? A I don't know; when I remember good I was here.
- Q Did you ever see Walk Mayfield in Texas? A Yes, sir, I went to Texas with Walk Mayfield in time of the war.
- Q You were born in Texas? A Yes, sir.
- Q When were you born in Texas, way before the war? A Yes, sir.
- Q When did you come from Texas to the Cherokee Nation? A I can't remember, I was small.

- Q You came with Walk Mayfield when you did come and his family?
A I come from Texas when I was small child.
Q You remember that you came with Walk Mayfield don't you?
A I do when I went to Texas tike of the war.
Q You had come from texas up here, and then went back during the war, that the way of it? A That's the way they said it was, I don't remember it; they said I was born in Texas; that's all I know.
Q You don't remember going to Texas with Mayfield? A I remember going there time of the war.
Q What part of Texas did Mayfield go? A Went down there near Bellview.
Q when did he come back? A Next year after the war, way in the fall like.
Q You came back direct to the cherokee Nation, or did you go back through Arkansas. A Where is Arkansas?
Q Don't you know where Arkansas is? A I don't know.
Q You don't know where Arkansas is? A We come back through Ft. Smith.
Q Ain't that in Karkansas? A I don't know, sir.
Q How far is cottonwood post office from the line of Arkansas?
A Cottonwood is in Sequoyah.
Q You know it is not but a little piece from the line of Arkansas don't you? A Ldge of the river?
Q No, line of the State? A I don't know where that is.
Q You never have been in Arkansas have you? A I have been to Ft. Smith.
Q About how old were you when you came back to the cherokee Nation afterthe war? A 13 I believe.
Q Where were you living when you married? A Living in Sequoyah.
Q What place in Sequoyah were you livin? A There where I am living yet.
Q On whose place was that? A I live on my father's place.
Q What is your father's name? A Henry West. Henry Mayfield, was his name in slavery.
Q Who lives near you there and who did live near you when you located there after the war? A Cherokee named Crying Bear lived there when we first built the place.
Q Anyone else living there? A Marion Johnson and uncle Tom Ragsdale and Billy Sanders and his wife.
Q How far is Cottonwood from where Muldrow is now? A 4 or 5 miles, I reckon.
Q How far do you live from John Gunter, or do you know?
A 10 or 12 miles.
Q How far do you live from Dave Fortner, you know him? A Yes, sir, I don't know how far I live from him.
Q Your father living? A No, sir.
Q Your mother living? A No, sir.
Q When did your mother die? A She has been dead 9 or 8 years.
Q When did your father die? A I disremember how long; he died since my mother died.
BY COM'R NEEDLES: You say your husband is not living?
A No, sir.
Q You are a widow now are you? A Yes, sir. Me and Houston West is brothers and sisters.
Q Did you come at the same time as Houston West? A Yes, sir.
Q Was Houston West born in Texas? A No, sir
Q Are you older than Houston? A Yes, sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 111, #2779, Nancy Starr, (No district.)

Wallace roll of citizens of the Cherokee Nation examined and applicant identifiee on page 139, #2912, Nancy Starr, Sequoyah district.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
'1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

COM'R NEEDLES: Nancy Starr applies for the enrollment of herself; She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton Pay roll and the Wallace roll, according to page and number of the rolls as indicated in the testimony; she avers that she was a slave of Walk Mayfield, and Jane Mayfield; she avers that she was born in the State of Texas; she is a sister of Houston West, who was listed for enrollment as a Cherokee Freedman on D card 989, and the testimony taken in the application of said Houston West for his own enrollment will be made a part of the record in the case at bar, and a copy thereof will be filed herewith; as to her residence, reference is made to the testimony; she will now be listed for enrollment as a Cherokee freedman on a doubtful card, and will be notified by the Commission at her post-office address by mail of its decision.

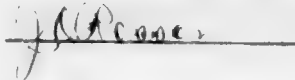
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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic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

Subscribed and sworn to before me this July 15, 1901.
(Signed) T. B. Needles,
Commissioner.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript in the above case.



Subscribed and sworn to before me this September 7th, 1901.



Commissioner.

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COMMISSIONER

SEP 1961

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File with C. F. D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., July 1st, 1901.

In the matter of the application of Houston West for the enrollment of himself and five children as Cherokee Freedmen; he being sworn by Commissioner T.B. Needles, testified as follows:-

- Q What is your name? A Houston West.
Q What is your age? A 47.
Q What is your postoffice address? A Muldrow, I.T.
Q In what district do you live? A Sequoyah district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A Five children.
Q What are their names? A Ida West.
Q How old? A 19 years.
Q Next? A Nancy.
Q How old? A 17 years.
Q Next? A Fannie.
Q How old? A 15.
Q Next? A Georgia.
Q How old? A 13.
Q Next? A William.
Q How old? A 9 years.
Q Is your name on any roll of the Cherokee Nation? A Yes sir the Kern and Wallace rolls.
Q Are you married? A I have been, am not now.
Q Is your wife living? A The mother of these children is not living.
Q What was her name? A Lizzie Albert when I married her.
Q When were you married to her? A In '70.
Q Why is your name not on the roll of 1880? A I have always tried to get it on.
Q You have failed though? A Yes sir.
Q Is your wife a citizen? A Yes sir.
Kern Clifton roll examined and the name of the applicants found as follows:-
Page 111, No. 2763, Houston West, Illinois District.
Page 111, No. 2765, Ida West, "
Page 111, No. 2766, Nancy West, "
Page 111, No. 2767 Fannie West, "
Page 111, No. 2768, Georgia West, "
Page 111 No. 2770 Willie West, "
Wallace roll examined and the name of the applicant found as follows:
Page 147 No. 3063 Houston West, Sequoyah District.
Page 147 No. 3069 Ida West, "
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Walk, Myfield.
Q Was he a Cherokee citizen? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Texas.
Q When did you return? A In '60.
Q What time in '66? A It was in the winter.
Q Were you married then? A No sir.
Q Have you lived in the Cherokee Nation continuously since then? A Yes sir.
Q Where these children born here? A Yes sir.
Q And have they lived here all the time? A Yes sir.
Q Have you any proof of your marriage? To your wife Lizzie? A Yes sir.
Q A marriage certificate? A No sir.
By L.B. Bell, Cherokee Representative-
Q Who was your father? A Henry West.
Q And your mother? A Phoebe.

- Q And you belonged to the Mayfields? A Yes sir.
 Q Where were you living when the war commenced? A On the old Blackburn place in Sequoyah.
 Q When did you go to Texas? A The second year of the war.
 Q Where did you stop at there? A At the old Mayfield place near Bellville, Texas.
 Q Did your father belong to Walk Mayfield at the beginning of the war? A Yes sir.
 Q When did your return here? A In '66.
 Q Who with? A Walk Mayfield and his family.
 Q What was his wife's name? A Jane Blackburn before he married her.
 Q What ever became of your father? A Died.
 Q Is your mother alive? A No sir.
 Q Just you and Walk's family came together? A That is all.
 Q By the Commission-
 Q When did your father die? A In '93 or '4.
 Q When did your mother die? A She died before he did.
 Q Your father and mother are not on the roll of 1830? A No sir but I have a sister on the 1880 roll.
 Q What is her name? A Mary Whitmore.
 Q Is she married now? A Yes sir.
 Q Did she go to Texas with you? A Yes sir.
 Q and did she return with you? A Yes sir.
 The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's sister found as follows-
 Page 728 No. 1399, Mary Whitmore, Sequoyah District
 Q You say this is your full sister? A Yes sir.
 Q Her father and mother? A Yes sir.

Harrison Foreman called and sworn as a witness for the applicant:

- Q What is your name? A Harrison Foreman.
 Q What is your age? A 43.
 Q What is your post-office address? A Catoosa.
 Q Are you a naturalized citizen of the Cherokee Nation? A Yes sir.
 Q A Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Since the war.
 Q Was he a slave? A Yes sir that is what I hear.
 Q When did you first see the applicant after the war? A I can't be positive as to the exact time, in '66 I believe.
 Q Where? A I was the ferryman at Fort Smith and I ferried him over the river.
 Q Who was with him? A Walk Mayfield and his family and the applicant's father and mother.
 Q And you think it was in '66? A Yes sir.
 Q Has he lived in the Cherokee Nation since '66? A Yes sir.
 Q By Bell-
 Q What time of the year was that? A I don't know if it was in November or December, but along there.
 Q Walk Mayfield was his former owner? A Yes sir.
 Q Is Walk living? A No sir.
 Dennis Bean called and sworn as a witness for the applicant
 Q What is your name? A Dennis Bean.
 Q What is your age? A 42.
 Q What is your post-office address? A Muldrow.
 Q Are you a Cherokee freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you know him? A Ever since-- I think it was the fall of '66.
 Q Was he a slave? A Yes sir.
 Q Who owned him? A Walk Mayfield.
 Q Did this applicant go out during the war? A I guess they did.
 Q When did you first see them after the war? A They was coming through making their way up by where I lived in '66, I lived on the

bank of the Arkansas this side of Fort ~~Cherokee~~ Smith.

Q Who was with this applicant then? A His father and mother and two sisters I think a man named Tom Harnage and a woman named Agric and Dave West.

Q Was Walk Mayfield with him? A Yes sir that was his own r.

Q Has this applicant lived here ever since? A Yes sir.

Q Where were you living then? A On this side of the river on the place that belonged to Menerva Thompson. The house is caved in now.

Q Was that the old George Johnson house? A No sir that was below us in Commission.

Q You are positive that you are correct as to these dates? Yes sir.

Q What circumstance makes you think it was in '66? A Because they was all harping about the 10th treaty then.

Q Albert Johnson called on you as a witness for the applicant

Q What is his name? A Albert Johnson.

Q What is your post office address? A Benge.

Q What is your age? A 43.

Q Do you know the applicant? A I do.

Q How long have you known him? A Ever since I was a boy.

Q Was he a slave? A I guess he was, he was with Walk Mayfield.

Q Did he go out of the Cherokee Nation during the war? A Must have he came back.

Q How do you know he came back? A Moved on the Lilly Starr place in the fall of '66.

Q Where is that? A This side of the Arkansas river.

Q Who was with him? A His mother and father.

Q How do you know him ever since that time? A Yes sir.

Q You are sure that it was in '66? A As my memory serves me it was '66.

Q You are here yourself then? A Yes sir.

By Roll-

Q Who was with him, was Walk Mayfield with him? A Yes sir in the Commission;

Q Was Walk Mayfield a Cherokee citizen? A Said to be.

Q Do you know this applicant's wife? A Yes sir.

Q Do you know they were married? A Yes sir.

Q Was you there when they married? A Yes sir.

Q And saw them married? A Yes sir.

Q Who married them? A Jenkins.

Q What was her name when she married him? A I dont know now.

Q Where were they married? A At the Fox place.

Q How they lived together since then continuously as man and wife? A Yes sir.

Q And raised a family? A Yes sir.

By Clerk Peoples,-

Houston West applies for himself and five children, Ida, Nancy, Fannie, Georgia and William West; he cannot be identified on the authenticated roll of 1860 or the census roll of 1861; he is identified on the Horn Clinton roll and the Wallace roll according to the page and number of the rolls as indicated in the testimony; he avers that he was the slave of Walk Mayfield, that he was taken out of the Cherokee Nation during the war and returned in 1866 with his master Walk Mayfield, and offers evidence to establish that fact. He offers satisfactory proof of his marriage to Lizzie Albert now deceased, who is the mother of his children; all of his children are identified on the Horn Clifton roll; he avers that he is the full brother of Jerry Whitmore, they having the same father and mother; she is now married and enrolled on the authenticated roll of 1890; he avers that she returned to the Cherokee Nation with him at the same time as his father and mother and the balance of the family; the evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Na-

tion, and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given; consequently, the said Houston West and his five children will be listed for enrollment as Choctaw Freedmen on a doubtful card, and when the final decision is arrived at he will be notified by mail.

+ + + + +

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

(signed) Chas von Weise.

Subscribed and sworn to before me this the 15th of July, 1901.

(signed) T. B. Hoedles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M. D. Green

Subscribed and sworn to before me this September 17th, 1901.

T. B. Hoedles

Commissioner.

Sherrill Freeman 31388

20

1901

IN RE

Application for Enrollment of
INFANT CHILD

Royal Mayfield
as a citizen of

Sherrill Nation

Approved December 11 1901

W. G. ...
Commissioner.

Department of the Interior
Commissioner to the
Five Civilized Tribes
Filed Dec 11 1901
James H. ...
Acting Chairman

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Royal Mayfield, born on the _____ day of _____, 1901
(Here insert name of child.)
Name of Father: Charles Mayfield a citizen of the Cherokee Nation.
Name of Mother: Lizzie Mayfield a citizen of the U.S. Nation.
Postoffice Rawson, O.S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Eastern DISTRICT.

I, Lizzie Mayfield, on oath state that I am 21
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Charles Mayfield, who is a citizen, by
adoption, of the Cherokee Nation; that a Male child was
(Male or Female.)
born to me on 21 day of January, 1901; that said child has been named
Royal Mayfield, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)
Ernest Pitts
C. J. Adams

Lizzie Mayfield
mark

Subscribed and sworn to before me this 28 day of Oct, 1901.

J. H. Powers
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Eastern DISTRICT.

I, Judith Chambers, a midwife, on oath state that I
attended on Mrs. Lizzie Mayfield, wife of Charles Mayfield
on the 21 day of January, 1901; 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 Royal Mayfield

WITNESSES TO MARK:

(Must be Two Witnesses.)
Ernest Pitts
C. J. Adams

Judith Chambers
mark

Subscribed and sworn to before me this 28 day of Oct, 1901.

J. H. Powers
Notary Public.

Commission Exp July 10 - 1904

Abner Lee Freedman

20

31388
D. 1001

IN RE

Application for Enrollment of
INFANT CHILD

Mathaniel Mayfield
as a citizen of

Abner Lee Nation

November 11th 1901

W. E. Needles,
Commissioner.

Department of the Interior
Commission to the Director
Civilizing Exits
Filed Dec 11th 1901
C. A. K. K. K.
acting chairman

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

Nation,

of Nathaniel Mayfield, born on the _____ day of _____, 19____
(Here insert name of child.)

Name of Father: Charles Mayfield a citizen of the Cherokee Nation.

Name of Mother: Siggie Mayfield a citizen of the U.S. Nation.

Postoffice Pawpaw T.S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Siggie Mayfield, on oath state that I am 31
years of age and a citizen by adoption, of the Cherokee Nation;

that I am the lawful wife of Charles Mayfield, who is a citizen, by
adoption, of the Cherokee Nation; that a male child was
(Male or Female.)

born to me on 18th day of August, 1919; that said child has been named

Nathaniel Mayfield, and is now living. Siggie Mayfield
mark

WITNESSES TO MARK:

(Must be Two Witnesses.)

Ernest Pitts
J. Adams

Subscribed and sworn to before me this 28th day of Nov, 1919.

J. H. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Judith Chambers, a midwife, on oath state that I
attended on Mrs. Siggie Mayfield, wife of Charles Mayfield

on the 18th day of August, 1919; 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 Nathaniel Mayfield

WITNESSES TO MARK:

(Must be Two Witnesses.)

Ernest Pitts
J. Adams

Subscribed and sworn to before me this 28th day of Nov, 1919.

J. H. Brown
Notary Public.

Commission Exp. July 10, 1902

Cherokee Indian

20

71388
L. 1001

IN RE

Application for Enrollment of
INFANT CHILD

W. Kinley Mayfield
as a citizen of

Cherokee Nation

Approved Dec 11 1901

W. E. Hodges

Commissioner

Department of the Interior

Commissioner to the

Five Civilized Tribes

Filed Dec 11 1901

James D. Dickey
Acting Chairman

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of McKinley, born on the 14th day of April, 1901.
Name of Father: Charles McKinley, a citizen of the Cherokee Nation.
Name of Mother: Maggie McKinley, a citizen of the U.S. Nation.
Postoffice: Fort Payne, Ala.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.
I, Maggie McKinley, on oath state that I am 31
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Charles McKinley, who is a citizen, by
adoption of the Cherokee Nation; that a male child was
born to me on 14th day of April, 1901; that said child has been named
McKinley, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) Ernest Pitts
J. Adams

Subscribed and sworn to before me this 28th day of May, 1901.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.
I, Judia Chambers, a midwife, on oath state that I
attended on Mrs. Maggie McKinley, wife of Charles McKinley,
on the 14th day of April, 1901; that there was born to her on said date a male
child; that said child is now living and is said to have been named McKinley.

WITNESSES TO MARK:

(Must be Two Witnesses.) Ernest Pitts
J. Adams

Subscribed and sworn to before me this 28th day of May, 1901.
Notary Public.
Commission Exp. July 10-1904

Cherokee Freedman 7, 1288

20

R. 1001

IN RE

Application for Enrollment of
INFANT CHILD

James H. Hays
as a citizen of

Cherokee Nation

Approved for enrollment 1902

J. G. Giddens

Commissioner

Department of the Interior
Commissioner to the
Five Civilized Tribes
Filed June 11, 1902

James H. Hays
Attorney for same

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Bessie Mayfield, born on the 18 day of January, 1902
(Here insert name of child)
Name of Father: Charley Mayfield a citizen of the Cherokee Nation.
Name of Mother: Suzie Mayfield a citizen of the Cherokee Nation.
Postoffice Lawford T.S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Suzie Mayfield, on oath state that I am 33
years of age and a citizen by adoption, of the Cherokee Nation;
that I am the lawful wife of Charley Mayfield, who is a citizen, by
adoption, of the Cherokee Nation; that a male child was
(Male or Female.)
born to me on 17 day of January, 1902; that said child has been named
Bessie Mayfield, and is now living.

WITNESSES TO MARK:

Joseph Deazie
B. Wasson

Suzie Mayfield
mark

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of May, 1902

J. H. Powers
Notary Public.
Commission Exp July 10 - 1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Julia Davis, a midwife, on oath state that I
attended on Mrs. Suzie Mayfield, wife of Charley Mayfield
on the 18 day of January, 1902; that there was born to her on said date a male
(Male or Female.)
child; that said child is now living and is said to have been named Bessie Mayfield

WITNESSES TO MARK:

Joseph Deazie
B. Wasson

Julia Davis
mark

Subscribed and sworn to before me this 21 day of May, 1902.

J. H. Powers
Notary Public.
Commission Exp July 10 - 1904

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

In the matter of the application for the enrollment of Nancy Starr et al. as Cherokee Freedmen, consolidating the applications of

Nancy Starr,.....	Cherokee Freedmen	D	998
Samuel H. Starr, et al.,.....	"	"	D 85
Sarah Barnes, et al.,.....	"	"	D 86
Nellie McLain, et al.,.....	"	"	D 88
Henry Starr, et al.,.....	"	"	D 89
Charles Mayfield, et al.,.....	"	"	D 1001

D E C I S I O N .


The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Nancy Starr for herself; by Samuel H. Starr for himself and his three minor children, Sallie, Lillie and Leona Starr; by Sarah Barnes for herself and her three minor children, Jennie, Samuel and Nola Barnes, and subsequent to this application, a birth affidavit was filed for her child, Robert Barnes, and is made a part of the record herein; by Nellie McLain for herself, her three minor children, Leo, Maxie and Cassie M. McLain, her sister, Annie Starr, her two brothers, George and Turner Starr, her niece, Frances Wilson, and her two nephews, William B. and Ernest Wilson; by Henry Starr for himself and his two minor children, Henrietta and Jessie Starr, and subsequent to this application, a birth affidavit was filed for his child, Harry Starr, and the same is made a part of the record herein; by Charles Mayfield for himself and his five minor children, Emanuel, Beulah, Royal, McKinley and Nathaniel Mayfield, and subsequent to this application, a birth affidavit was filed for the applicant's child, Bennie Mayfield, and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the application of Houston West, are made a part of the record herein.

The evidence shows that the said Nancy Starr was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. All the other applicants, herein, are the descendants of said Nancy Starr and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the names of the applicants herein are found on the 1860 authenticated Cherokee roll.

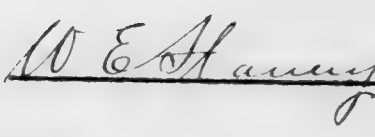
It is, therefore, the opinion of this Commission that the applications for the enrollment of Nancy Starr, Samuel H. Starr, Sallie Starr, Lillie Starr, Leona Starr, Sarah Barnes, Jennie Barnes, Samuel Barnes, Nela Barnes, Robert Barnes, Nellie McLain, Leo McLain, Maxie McLain, Cassie M. McLain, Annie Starr, George Starr, Turner Starr, Frances Wilson, William B. Wilson, Ernest Wilson, Henry Starr, Henrietta Starr, Jessie Starr, Harry Starr, Charles Mayfield, Emanuel Mayfield, Beulah Mayfield, Royal Mayfield, McKinley Mayfield, Nathaniel Mayfield and Dennis Mayfield as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1903

32 #J-1388

IN RE
THE DEATH OF

Nathaniel Mayfield
a citizen of the

Cherokee Nation.

Approved

February 9 1905

C. R. Beckwith
Commissioner

JH

COMMISSIONER OF THE CIVILIZED TRIBES,
FILED

FEB 9 1905

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

In the matter of the death of *Nathaniel Mayfield*
(Here insert name of deceased.)
a citizen of the *by adoption*
Pawpaw Nation, who formerly resided at or near
(Here insert name of postoffice) , Ind. Ter., and died on the *1*
July day of *1903*

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }
I, *Charles Mayfield*, on oath state that I am *39*
years of age and a citizen, by *adoption*, of the *Cherokee* Nation;
that my postoffice address is *Pawpaw*, Ind. Ter.; that I am
(Here insert name of postoffice.)
the father of *Nathaniel Mayfield*
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by *adoption*, of the *Cherokee* Nation;
and that said *Nathaniel Mayfield* died on the *1* day of
(Here insert name of deceased.) *July* *1903* *Charles*
Mayfield

WITNESSES TO MARK :

(Must be Two Witnesses.) } *Thomas*
Cecil Rebuty

Subscribed and sworn to before me this *8* day of *February*, 190*5*.

John
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
DISTRICT. }
I, _____, on oath state that I am _____
years of age, and a citizen by _____, of the _____ Nation;
that my postoffice address is _____, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____
(Here insert name of deceased.)

WITNESSES TO MARK :

(Must be Two Witnesses.) }

Subscribed and sworn to before me this _____ day of _____, 190_____.

Notary Public.

100'001

MAR 21 1952

[Handwritten signature]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Charles Mayfield,
Post Off., I. T.
Cherokee-P-D-1001.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

D. C. 24239-1904.
I. T. D. 1168, 4648-1904.
4723, 5406- "
L. R. S.

W. C. P.
F. B. J. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

July 9, 1904.

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

Gentlemen:

July 11, 1903, you transmitted the record in the consolidated Cherokee freedman case of Nancy Starr, et al, including your decision of July 1, 1903, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation, and directed to notify the attorney for the Cherokee Nation that he would be allowed thirty days within which to file an argument in the case he might desire, and the applicant ten days within which to answer same.

On May 25, 1904, you transmitted a motion on behalf of the applicants, to reopen and remand the case for further hearing. On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case. On June 9, 1904, said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which he states:

"The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3^d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The record before the Department fails to show that said Henry West was rejected by said Courts, or that he made application to said Courts for admission to citizenship in the Cherokee Nation, as is claimed by the attorney for said nation. It is desired that you report to the Department what the records of your office show relative to the action of the courts upon the application of Henry West, and if you have not a copy of the record concerning said application, it is desired that you procure same if possible and forward it direct to the Department to be considered in connection with the case.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

COPY.

Cherokee F.D-998-
85-86-88-89-1001

Muskogee, Indian Territory, July 11, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nancy Starr et al., including the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, Nellie, Leo, Maxie and Cassie M. McLain, Annie, George and Turner Starr, Frances, William B. and Ernest Wilson, Sarah, Jennie, Samuel, Mola and Robert Barnes, Samuel H., Sallie, Lillie, Leona, Henry, Henrietta, Jennie and Harry Starr, Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Jennie Mayfield as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-76

COPY

Cherokee F.D-998-
85-86-88-89-1001

Muskogee, Indian Territory, July 11, 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 July 1, 1903, in the consolidated case of Nancy Starr et al., rejecting the applications for the enrollment of Nancy Starr, Nellie, Leo, Maxie and Cassie M. McLain, Annie, George and Turner Starr, Frances, William B. and Ernest Wilson, Sarah, Jennie, Samuel, Mola and Robert Barnes, Samuel H., Sallie, Lillie, Leona, Henry, Henrietta, Jessie and Harry Starr, Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen.

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,

Commissioner in Charge.

Enc. D-75

000
Cherokee F.D-1001.

Muskogee, Indian Territory, July 11, 1903.

Charles Mayfield,
Paw Paw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your six minor children, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield, as Cherokee freedmen, together with a copy of the Commission's decision dated July 1, 1903, rejecting, among others, your said application.

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,

J. S. Collins
Commissioner in Charge.

Enc. D-68

Register.

COPY.

Land
44290-1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Nancy Starr for the enrollment of herself; of Samuel H. Starr for the enrollment of himself and his three minor children, Sallie, Lillie and Leona Starr; of Sarah Barnes for the enrollment of herself and her three minor children Jennie, Samuel, and Wola Barnes; of Nellie McLain for the enrollment of herself and her three minor children, Leo, Maxie and Cassie M. McLain, also her sister Annie Starr, her two brothers George and Turner Starr, her niece Francis Wilson, and her two nephews William B., and Ernest Wilson; of Henry Starr for the enrollment of himself and his two minor children Henrietta and Jessie Starr; and of Charles Mayfield for the enrollment of himself and his five minor children Emanuel, Beulah, Royal McKinley and Nathaniel Mayfield. It further appears that Robert Barnes, Henry Starr and Bennie Mayfield were all born subsequent to these applications and that birth affidavits have been filed in relation to them, which affidavits are made a part of the record. These parties all make application to be enrolled as Cherokee Freedmen.

On July 1, 1903, the Commission rendered a decision in this

case, finding from the evidence that the said Nancy Starr was a slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867; that all the other applicants herein are descendants of said Nancy Starr and have no rights as Cherokee Freedmen except such as they may have acquired through her; that none of the names of the applicants herein are found on the 1880 authenticated Cherokee roll; and that by reason of said findings the Commission is of the opinion that these applications should be denied under the provisions of section 21 of the act of Congress approved January 28, 1898 (30 Stats., 495).

I have examined the evidence submitted in this case both for and against the applicants. Nancy Starr, the alleged ancestor through whom all these applicants claim their right to enrollment, testifies that she is about 62 years old; that her name is on the Kern-Clifton and Wallace rolls; that her husband was Sam Starr, and that Henry West was her father; that she was a slave of Walk Mayfield, and that Jane Mayfield was her mistress, both of whom were Cherokee citizens; that she went to Texas during the war; that she came back the next year after peace, in the winter, to Lila Starr's place and has been living in the Cherokee Nation ever since.

On cross examination the witness testifies that she was born in Texas and that she went from Texas to the Cherokee Nation when very small; that she went to Texas from the Cherokee Nation with Walk Mayfield in the time of the war. The witness then states that she does not remember about coming from Texas to the Cherokee Nation after

her birth but that they said she was born in Texas, but she does remember going to Texas with Mayfield during the war to a place near Bellview; that they came back the next year after the war "way in the fall like".

The witness testifies that she now lives on her father's place; that his name was Henry Mayfield in slavery; that when they located there after the war, a Cherokee named Crying Bear lived there, also Marion Johnson, Uncle Tom Ragdale and Billy Sanders and his wife. Witness further testifies that she and Houston West are brother and sister, and that she came to the Cherokee Nation the same time as Houston West; and that she is older than her said brother.

The records show the following order issued by the Commission on September 18, 1901, in the matter of the application of Nancy Starr et al:

The Cherokee Nation makes satisfactory proof of service of notice that testimony would be taken in the matter of the application of the said Nancy Starr for enrollment as Cherokee Freedman at Fort Gibson, Indian Territory, on the 13th day of September, 1901. Said Nancy Starr has been called three times and does not respond. The Cherokee Nation desires that the evidence of W. T. Harnage, Esakiel Harnage and D. K. Faulkner, taken in the matter of the application of Houston West for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory on the 4th day of September, 1901, be made a part of the record in the case of the said Nancy Starr. The order will be made.

Upon examining this evidence submitted in the matter of the application of Houston West for enrollment, and which is made a part of the record herein by the order of the Commission, I find that the said Houston West testifies that he is 47 years old; that he was a slave and belonged to Walk Mayfield, who was a Cherokee citizen; that he went to Texas during the war and returned to the Cherokee Nation in 1866; and that when asked what time in 1866, replies, "It was in the winter". The witness further testifies that he has lived in the

Cherokee Nation ever since that time.

On cross examination by counsel for the Cherokee Nation, the witness testifies that his father's name is Henry West and his mother's name is Phoebe; that he belonged to the Mayfields and was living on the Blackburn place in Sequoyah at the beginning of the war; that he went to Texas the second year of the war and stopped at the old Mayfield place near Bellview, Texas; that his father belonged to Walk Mayfield at the beginning of the war. The witness claims that he returned to the Cherokee Nation in 1866 with Walk Mayfield and his family.

The witness testifies that his father died in 1893 or 1894, and that his mother died before that date; that the names of his father and mother are not on the roll of 1880 but that the name of his sister, Mary Whitacre, is on the 1880 roll; and that she went to Texas with him and returned with him. This statement of the witness is verified by the record which shows that his sister, Mary Whitacre is on said 1880 roll.

There are then several witnesses called in behalf of Houston West's claim, and they all more or less substantiate the facts testified to by him.

At the close of the testimony on his behalf, the Commission gives a short synopsis of the status of his case and among other things say-

The evidence as far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Nation and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given, consequently, the said Houston West and his five children will be listed as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at, he will be notified by mail.

Subsequently on September 4, 1901, the Cherokee Nation submitted the testimony referred to above, but the applicant was not present or represented by counsel.

The first witness W. T. Harnage testifies that he is about 53 years old, is a Cherokee citizen by blood, and I wish to invite the attention of the Department to the manner in which the first question of importance is submitted to him by counsel for the Cherokee Nation, as follows:

"I believe you made a statement that you returned here in December of 1866, after the war." Answer, "Yes sir."

So far as the record shows, the witness had made no such statement, and to say the least, it is certainly a very leading question, and in view of the fact that the claimant was not present either in person or by counsel, is a very improper one.

The witness then testifies that he knows Walk Mayfield, who is his uncle; that when he came back in 1866, he located just across the river from Fort Smith in Sequeyah district, and continued to remain there until after Christmas when he went up to Flint.

The counsel for the Nation again undertakes to testify for the witness at this point, and suggests to him that he remained until "about the 1st of January". To which he replies "about the 1st of January sometime".

The witness then testifies that his uncle, Walk Mayfield had not returned when he left there, and that he remained up in Flint until about the middle of April, went back down in the bottom (where he had first located) and found him there when he returned in April, 1867.

In other words, it is made to appear from this witness, that Walk Mayfield had not returned to the Cherokee Nation up to about the 1st of January, 1867, when this witness left the bottom and went up to Flint, but that when he again returned to the bottom in April, 1867, he found Walker Mayfield there.

The witness does not pretend to say at what time between about January 1, 1867 and April, 1867, Walker Mayfield returned to the nation. This witness further testifies that he left Walker Mayfield in Texas when he, the witness, started back. The Commission then makes inquiry as to when the witness started from Texas, and he replies "In December, in November '66". The witness further testifies that Walk Mayfield brought his old slaves back with him; that he knew Houston Vest and saw them together at that time; that Houston Vest was in Texas when he left there living on Mayfield's farm; that they made a crop there.

The next witness testifying in behalf of the nation is Ezekiel Harnage, who says he is 59 years old, is a Cherokee citizen, and was in Texas when the war closed and came back to the Cherokee Nation the 16th day of December, 1866, and located in that part of the Cherokee Nation known as Sequoyah district; that he is a second cousin to Walk Mayfield and is a half-brother of the witness, W. T. Harnage.

The witness further testifies that he knows Walk Mayfield; that he saw him in Texas; that he lived within less than two miles of him there; and that he left Mayfield in Texas when the witness moved up to Sequoyah, December 16, 1866. And, when asked "Now what time did Walk Mayfield come to the Cherokee Nation?" Witness replies "To the best of my knowledge Walker Mayfield came there along in the latter

part of March 1867." The witness also testifies that Mayfield brought his slaves with him; that he knows Houston West; and that he, the witness, continued to reside in Sequoyah district from December 16 until the following March or April; and that Mayfield located about four miles or five from him.

On being examined by the Commission, the witness testifies that Houston West was the slave of Walk Mayfield; that he first saw Houston after the war, after Mayfield came back to the nation, and saw him with Mayfield's family. The witness further testifies that he is positive that Mayfield did not come back to the Cherokee Nation until after January 1867!

that he fixes that fact in his mind in connection with going to work to make a crop.

The next and last witness to testify on behalf of the nation is D. W. Walker, who says he is about 60 years old, is a Cherokee by blood; that his wife claimed Walk Mayfield as her uncle; that he was living in Sequoyah district in 1866 and the spring of 1867; that he knew Mayfield before the war and when asked "When did Walk Mayfield return after the war?" replies, "Well, he returned about the first week of April, 1867". And when asked to tell why he fixes that time and all the circumstances, replies "Well, this young lady "that I spoke of"-- "That you afterwards married?" "Yes; she was boarding with my sister, teaching school, and the news came that her uncle had come home from Texas, just from Texas, and I went with her over there that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in"

The testimony further shows that the witness had to go four

miles, and that the reason he is so positive about it, he, and this young lady were married about ten or fifteen days after that; that he has got it in the bible at home and this time is dated on the 17th or 27th of April when they were married; and that just a few days before that was when he and this young lady went over to her uncle's, Walk Mayfield.

The witness further testifies that they had some slaves, colored people, with them; that there was an old man named Henry West, and that he has known him ever since that time; that they claimed they had brought the slaves but that the old man was all he saw.

Counsel for the nation then asked this witness the following question: "And they unloaded the wagons, when you got there?" Answer "There was a covered wagon standing there when we got there."

The above is in substance all of the testimony submitted in this case on behalf of the Cherokee Nation, and I take it that the Commission, in rendering said decision has based the same upon the testimony of these three witnesses.

I do not consider that this testimony on the part of the nation is of such a character, or is so conclusive that said decision if based thereon, is justified. The only thing that the witness W. T. Harnage testifies to that even tends to show that Walk Mayfield did not return prior to February 11, 1867, to the Cherokee Nation, is the fact that he states when he left there about January 1, 1867, Mayfield had not yet arrived; but that when he returned in April, 1867, Mayfield was there. The witness does not undertake to say on what day or in what week between January 1, 1867 and April, 1867 Mayfield returned. I therefore conclude that his testimony utterly fails to

show that Mayfield did not return to the nation prior to February 11, 1867.

The next witness, Ezekiel Harnage, does not know when Falk Mayfield returned to the Cherokee Nation, for he says: "To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867", and undertakes to say that he fixes that fact in his mind in connection with going to work to make a crop. He swears positively that Mayfield did not come back to the Cherokee Nation until after January 1, 1867, but gives no facts and states no reason why he knows that to be true, that are of sufficient importance to be given any serious consideration, considering the long lapse of time since that date.

The next witness for the nation, D. W. Falkner, testifies that Mayfield returned about the first week of April, 1867, and undertakes to show that he knows this to be true for the reason that he and Rachel L. Asair, his first wife, went over to see Mayfield about the 1st of April, 1867, and that Mayfields claimed they had just come in.

It is not necessary to dispute the fact that Falkner and his intended wife made this visit and made it at or about the time to which he testifies, but this fact does not establish or show when Walker Mayfield returned to the Cherokee Nation. Falkner testifies that Mayfields claimed they had just come in, but this does not show whether they had been in one week, two weeks, or six, for even though they had been in the nation six weeks or two months, it would be but natural for them to say to him that they had just come in. Falkner does not undertake to say on what day, or in what month in 1867 Walk Mayfield and his people returned to the Cherokee Nation.

Now, advertng to the testimony of Nancy Starr, I consider her testimony direct and to the point, and it appears from her replies that she is more or less intelligent and capable of narrating facts and circumstances, and she insists in her testimony that they returned to the Cherokee Nation in the winter although she does not pretend to say in what year, excepting that it was the next year after the war. It will be noted that Houston West also testifies that he returned to the Cherokee Nation in the winter.

Nancy Starr further testifies in the matter of the application of Samuel H. Starr for the enrollment of himself and his three minor children, when being cross examined by the representative of the Cherokee Nation, as follows:

"You know what month of the year you came in, was it April?"
Answer. "No, I came back herein the winter, snowey, sleety, it was cold."

I do not deem it necessary to take up all this testimony and discuss the same, but inasmuch as the Department has decided that the six months period within which Cherokee Freedmen were entitled to return to the Cherokee Nation under the provisions of the treaty of 1866, did not terminate until February 11, 1867, and inasmuch as the Cherokee Nation, in my opinion, absolutely fails to show that Walk Mayfield did not return to the Cherokee Nation until after February 11, 1867, and inasmuch as the applicants testified that they did return the first year after the war, in the winter time, and submit the testimony of a number of witnesses substantiating their claim, I consider that the decision in this case, denying the claim of the applicants should be set aside, and that they should be enrolled as Cherokee Freedmen, citizens of the Cherokee Nation.

It appears that a sister of Houston West has already been placed on the 1860 roll, and has been enrolled as a Cherokee Freedman citizen of said nation, and the testimony of all the witnesses in this case shows that this sister and her said brother, Houston West returned at one and the same time, and that in fact Walker Mayfield and all of his slaves returned together.

From the testimony submitted it plainly appears that while the Walker Mayfield slaves were in law free, yet they evidently remained as a part and parcel of the family and had worked for him, or with him, on the Mayfield farm in the State of Texas and raised a crop there during the summer of 1866. It is quite evident to my mind from all of the testimony, and the facts, that his slaves at that time had no domicile in the State of Texas, that like himself they were there temporarily, and in view of the further fact that his said relatives, W. T. Harnage and Ezekiel Harnage returned to the Cherokee Nation late in the fall of 1866, I can not understand why he remained in Texas so long as to not be able to reach the Cherokee Nation until the first week in April 1867. Being a farmer it would be but natural that he would want to remove to the nation in time to look after a crop for the year 1867, and I am fully satisfied that the claim of these applicants that the said Walker Mayfield did return in the late fall or early winter of 1866-7 is correct; and that he did return to said nation taking with him said slaves prior to February 11, 1867. There is not a particle of proof that he did not do so, and where it is impossible to fix the exact date of the return of these parties I consider that a decision must necessarily be given upon such facts

and circumstances as tend to show when they did return.

There seems to be no question as to the status of all these applicants; they are either all entitled to enrollment or should all be denied, since they are all either Cherokee Freedmen or the descendants of Cherokee Freedmen. I therefore recommend in view of the foregoing that each of said applicants above named be enrolled as Cherokee Freedmen citizens of the Cherokee Nation.

Very respectfully,

A. C. Tenner
Acting Commissioner.

W.C.D.(B)

WCF

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D C 10858-1904.

April 4, 1904.

I.T.D. 1168-1904.

LRS.

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

Gentlemen:

July 11, 1903, you transmitted the record in the Cherokee freedman case of Nancy Starr, et al., including your decision of July 1, 1903, rejecting the applicants.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed.

You are directed to notify the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument in the case he may desire, and the applicants ten days within which to answer same.

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

1 inclosure.

signed.

Thos Ryan
Acting Secretary.

Cherokee freedmen
D 1001

Muskogee, Indian Territory, April 18, 1904.

Charles Mayfield,

Pawpaw, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional within which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Chairman.

Cherokee Freedmen
D 88-6-8-9, 998
& 1001.

Muskegee, Indian Territory, April 16, 1904.

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

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, et al., as Cherokee freedmen, cases Nos. C. F. D. 88-6-8-9, 998 & 1001.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in these cases, a copy of which argument you will be required to furnish the principal applicant in each case.

Respectfully,

Chairman.

Cherokee Freedmen D-85-6-8-9-928-1001.

Muskogee, Indian Territory, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sirs

Referring to Departmental letter of April 4, 1904,
(I.T.D. 1188-1904) there are herewith enclosed argument
of the Attorney for the Cherokee Nation, and the reply of
the applicants' attorneys, in Cherokee Freedmen D-85, et. al.,
Nancy Starr, et. al.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. 1-43.

C O P Y

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
49491-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

July 9, 1904-I.T.D. 5406-, the Department advised the Commission that on April 29 last, the attorney for the Cherokee Nation filed a brief protesting against the reopening of the Nancy Starr, et al., case, applicants for enrollment as Cherokee freedmen, and that on June 9 said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which the following appears:

"The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The Commission was advised that the record forwarded with their decision in the Nancy Starr case did not show facts as set out, in the supplemental brief of the attorney for

- 2 -

the Cherokee Nation, and they were requested to inform the Department as to what their records disclosed concerning the subject.

There is enclosed a report from the Commission dated July 18, 1964, transmitting a copy of the decision of the Cherokee Citizenship Commission in the application for admission made by Henry West, which the Commission say should have accompanied their decision.

Very respectfully,

A. C. Tomer,

Acting Commissioner.

GAP-Ma

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

W.C.F.
LLB

JP

I.T.D. 1168, 4648-1904.
4723, 5406-1904.
5724, 6202-1904.
6587, 6943-1904.

September 17, 1904.

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

Gentlemen:

July 11, 1903, you transmitted the record in the consolidated Cherokee freedman case of Nancy Starr et al., including your decision of July 1, 1903, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation and directed to notify the attorney for the Cherokee Nation and the applicants that they would be allowed further time in which to file argument in the case.

On May 25, 1904, you transmitted a motion on behalf of the applicants to reopen and remand the case for further hearing.

On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case.

On June 9, 1904, said attorney filed a supplemental

brief on behalf of the Cherokee Nation in which he called the attention of the Department to the fact that the supreme court of the Cherokee Nation in 1871 rendered a judgment rejecting the application of Henry West, the father and grandfather of the applicants in this case. He also stated that in 1876 Henry West again applied to the Cherokee Commission on Citizenship, known as the "Chambers Court," which was authorized to hear and determine applications for citizenship under an act of the National Council approved December, 1877, and that the applicant was rejected by said court.

On August 1, 1904, at the request of the Department you forwarded the decisions referred to by the attorney for the Cherokee Nation, which decisions are made a part of the record.

June 30, 1904, you forwarded the argument of the attorney for the Cherokee Nation, also reply to said argument by the attorney for the applicants. Said arguments have received due consideration.

On July 22, 1904, Thomas J. Watts, attorney for applicants, transmitted a petition requesting that if in the opinion of the Department the proof is not sufficient to admit the enrollment of the applicants that the case be reopened, with the instructions to your Commission to admit applicants to file and make additional proof in support of their claim.

The Department does not consider that the decision of the courts above referred to in the case of Henry West are bind-

ing upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867. A full discussion of the evidence is contained in the Acting Commissioner of Indian Affairs' letter of February 9, 1904, a copy of which was inclosed with departmental letter of July 9, 1904.

The evidence fails to show the exact date on which the applicant Nancy Starr returned to the Cherokee Nation, but from the testimony submitted concerning the circumstances connected with her return, the Department is of the opinion that she returned prior to February 11, 1867.

The Department therefore concurs in the Acting Commissioner's recommendation.

Your decision is reversed and you are directed to enroll the applicants as Cherokee freedmen.

Respectfully,

Thos Ryan,

Acting Secretary.

18 inclosures.

(1) *RH

COPY.

Cherokee Freedmen
D 1001

Muskogee, Indian Territory, October 6, 1904.

Charles Mayfield,
Pawpaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield, as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll you and your said minor children as Cherokee freedmen.

Respectfully,

W. L. Bixby
Chairman.

Cherokee Freedmen
D 998, et al.

Muskogee, Indian Territory, October 6, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy, Samuel H., Sallie, Lillie, Leona, Annie, George, Turner, Henry, Henrietta, Jessie and Harry Starr, Sarah, Jennie, Samuel, Nola and Robert Barnes, Nellie, Lee, Maxie and Cassie M. McLain, Frances, William B. and Ernest Wilson, and Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Wm. Fane Kirby
Chairman.

Cher Fr 1389

Trans. from D1154

Cher Fr 1389

Coconino District;
Vine on 1880 1011, base 1882 111
Tingueva Army, base 4531 2 412
Coconino District;
2718, se Tingueva Army, Coconino District;

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVIL DISTRICTS
FILED
18 1902

CHAIRMAN

The following is an abstract of the proceedings of the Commission to the Five Civil Districts, held in the State of Arizona, on the 18th day of August, 1902, at Phoenix, Arizona, for the purpose of determining the location of the boundary between the Coconino and Navajo Counties, Arizona, and the location of the boundary between the Coconino and Mohave Counties, Arizona, and the location of the boundary between the Coconino and Yavapai Counties, Arizona.

AGNES L. ...
...

F.
Cher F D 1154

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:

**Lindsey Vann, page 423, # 643, Cooweescoowee District;
Also on 1880 roll, page 195, # 3118, as Lindsey Vann, Cooweescoowee District;**

- Q Are there any other persons for whom you desire to make application 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 17 day of July, 1902.

[Signature]
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. Oct. 6, 1904.

In the matter of the application for the enrollment of
Lindsey Vann as a Cherokee Freedman.

Lindsey Vann, being first duly sworn, testified as follows:

By the Commission:

- Q. What is your name? A. Lindsey Vann.
- Q. Where do you live Mr. Vann? A. Right east of Chouteau about two and one half miles east of town.
- Q. How long have you lived there Mr. Vann? A. Why I was born there, been there all my days till I got in this trouble, never been out of Cherokee.
- Q. When you speak of getting into trouble what do you mean? A. By getting in the penitentiary at Leavenworth.
- Q. When were you sent to Leavenworth? A. On the twelfth day of December, 1901.
- Q. How long did you remain in prison there? A. I was there about thirty three and a half months.
- Q. You have recently been released have you? A. Yes, sir.
- Q. Is this your first appearance before the Commission? A. Yes, sir.
- Q. Where were you born Mr. Vann? A. Born east of Chouteau.
- Q. Where you are living now? A. Yes, sir.
- Q. What is your father's name? A. Dave Vann. He has been dead though twenty years.
- Q. What is your mother's name? A. Mary Vann.
- Q. Is she living? A. Yes, sir, she is married again and goes by the name of Campbell.
- Q. Where does your mother live? A. West of Chouteau, two miles from town.
- Q. About how old are you? A. I think I am going on twenty eight.
- Q. Your postoffice address is Chouteau? A. Yes, sir.
- Q. Do you know whether or not your name is on the 1880 roll? A. Yes, sir, I think so.
- Q. Do you know whether it is on the 1895 Census roll? A. Yes, sir I think it is.
- Q. What district is Chouteau in? A. In the Cooweescowee district.
- Q. Do you know whether or not any application had been made for your enrollment prior to your coming here today? A. No, sir, I don't think so.
- Q. How did it come your mother or someone else did not make application for you? A. Why I don't know how it come, I wrote her to enroll for me.
- Q. Did you ever go by any other name than Lindsey Vann? A. Yes, sir I had a family name, they called me Jack Vann.
- Q. Have you some brothers or sisters? A. I have two sisters is all.
- Q. What are their names? A. Millie Scott and Julia Campbell.
- Q. Did you have a brother by the name of Sam? A. Yes, sir.
- Q. Is Sam living now? A. No, sir, he's dead.
- Q. When did he die? A. Pretty nigh three years ago, before I left to go to Leavenworth.
- Q. Before you went to Leavenworth in 1901? A. Yes, sir, December 12, 1901.

Q. You are positive Mr. Vann that you were never out of the Cherokee Nation, except during your incarceration in prison at Leavenworth?
A. Yes, sir, I never was out of the Cherokee Nation.

Opal Griggs, 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.

Opal Griggs

Subscribed and sworn to before me this 6th day of October, 1904.

Munroe
Notary Public.

with *Sumner*
Cherokee Freedman D-1154.

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

In the matter of the application for the enrollment of
Lindsey Vann as a Cherokee Freedman.

O R D E R.

It is hereby ordered that Lindsey Vann, heretofore listed
for enrollment on Cherokee Enrollment Card, Freedman Roll, Field
No. D-1154, be transferred to Cherokee Enrollment Card, Freedman Roll,
Field No. 1389.



Commissioner.

Muskogee, Indian Territory,
8th day of October, 1904.

COPY.

Cherokee Freedman.
D-1154.

Muskogee, Indian Territory, October 8, 1904.

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

Gentlemen:

There is enclosed herewith a copy of the testimony taken in the matter of the application for the enrollment of Lindsey Vann (Cherokee Freedman D-1154), together with a copy of the Commission's order of October 8, 1904, transferring the said Lindsey Vann to Cherokee Enrollment Card, Freedman Roll, Field No. 1389.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Encl. G-1.

COPY.

Cherokee Freedmen
No. 1389.

Muskogee, Indian Territory, November 30, 1904.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

Replying to your letter of October 19, in which you ask to be advised as to what stamps should be placed upon Cherokee Freedmen straight card No. 1389, Lindsey Vann, you are advised that the copy of said card retained in the General Office of the Commission bears no stamps, but has the following notation in red ink:

"Transferred from Cherokee Freedmen Card D 1154 by order of Commission dated October 8, 1904."

Respectfully,

(SIGNED) *I. B. Needles.*
Commissioner in Charge.

Cher Fr 1390

Trans. from Cher Fr D27

Cher Fr 1390

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 14, 1901.

In the matter of the application of Leander Frye, for the enrollment of his wife, Mrs. Mary Ann Kinbo, the Commission, composed of Commissioners C. K. Breckinridge, testified as follows:

- Q Give me your name. A Leander Frye.
Q What is it you have applied for, and for what purpose? A Myself and wife.
Q How old are you? A I am about 40 years old, I think.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Admitted on the rolls? A Yes sir.
Q Give me the name of your father. A Andy Frye.
Q Is your father alive? A Yes sir.
Q Give me the name of your mother. A Millie Frye.
Q Is she alive? A Yes sir.
Q Give me the name of your wife. A Mary Ann.
Q How old is your wife? A She is about 20 years old.
Q When did you marry her? A About two years ago.
Q Were you ever married before? A No sir.
Q Was she ever married before? A No sir.
Q Is she a recognized Freedman of the Cherokee Nation? A I don't think she is. Her father could not live by the laws here and regulations but she has been disputed.
Q She has never been enrolled? A She is on some of the rolls.
Q Your wife's mother, or your wife? A Wife herself.
Q Give me the name of your wife's father. A John Kinbo.
Q Is he alive? A Yes sir.
Q Give me the name of your wife's mother. A Hannah Kinbo.
Q Is she alive? A No sir.
Q How long has she been dead? A She has been dead about three years, I think.
Q Who is there here who knows that you and your wife were married - have you certificates of marriage, or personal witness? A I don't know whether I have here or not. Mr. Ruffinton knows we were living together.

Augustus Ruffinton, after sworn and examined by Commissioner C. K. Breckinridge, testified as follows:

- Q Give me your full name. A Augustus Ruffinton.
Q How old are you? A About seventy or so, old years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A I am not able to tell you; I have been here ever since the Cherokees come from Georgia.
Q Do you know the applicant here? A Yes sir.
Q How long have you known him? A About 20 years, I recollect.
Q Do you know his wife? A Yes sir.
Q How long have you known her? A I have known her ever since she was born; all her life.
Q What is her name? A Mary Ann Kinbo.
Q She was a Christian when she was married, is she? A Yes sir.
Q They are living together as husband and wife? A Yes sir.
Q How long have you known them living together as husband and wife, as near as you can remember it? A Three or four years.

Commissioner of Applicant: Had you any brothers or sisters? A Yes sir.

Q Did you have a sister named Susie? A Yes sir.

Q Was she older than you? A Yes sir.

Q And you have a sister named Vicki? A Yes sir.

Q Is she younger or older than you? A Younger.

Q Are they still living? A One is living.

Q Which one? A Missie is living.

Q You do not know them? A Yes sir.

Q Did you have a sister named Amanda or Linda? A No sir.

Q You told me that Linda is the mother of your name Leander? A Yes sir. They call me Land.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 259, No. 1040, Wanda Free, Delaware District.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 630, No. 41, Linda Free, Delaware District.

The 1880 authenticated roll and the 1896 census roll examined for the name of the applicant's wife and her name is not identified thereon.

The Kerns Clifton roll examined and her name is found on page 174, No. 4406, Mary Ann Finkle, Delaware District.

Q What evidence have you that your wife is entitled to enrollment as a Cherokee Freedman of her own right? A She may have come here with in 1866.

Q Who is that man? A George Buffington.

Augustus Buffington recalled, testified:

Q You stated that you knew this man's wife, Mary Ann Finkle all her life? A Yes sir.

Q Where has she lived all of her life, in what country? A Right in Delaware District.

Q In the Cherokee Nation? A Yes sir, raised right there.

Q I believe her father is dead? A Yes sir.

Q Did you know her mother? A Yes sir.

Q Was her mother a slave in the Cherokee Nation before the war and at the time of the war? A She was.

Q To whom did she come to be on? A She came to George Candy.

Q Where did George Candy live? A In Flint District.

Q Did you live in Flint District at that time? A No sir.

Q Where did you live? A In Delaware.

Q To whom did you belong? A To William Buffington.

Q How far did William Buffington live from George Candy in those days? A I am not able to tell you.

Q You were in different districts? A Yes sir, a district between that.

Q You lived a long way apart? A Yes sir.

Q How do you know that Hannah belonged to George Candy, did you just hear so? A I heard so, and I believed that my wife belonged to the same man at the time and Buffington bought her.

Q You think Buffington bought your wife from George Candy? A His stepfather bought her; his wife's father.

Q When did you first see your wife Hannah? A I first saw her in Texas the time of the war.

Q What time did she come up to the Cherokee Nation after the war? A In '66.

Q Who did she come with? A A man of the name of Henry L. Smith.

- Q Did this woman Hannah come with you? A Yes sir.
- Q How many of you were in the party? A There were three women and five children, myself and wife.
- Q Was Henry L. Smith a white man? A Yes sir.
- Q Where did he live? A He lived in Delaware District.
- Q Is he living now? A No sir.
- Q Is there anybody living now who came with you in that party? A Nobody around here that I know of.
- Q Did you come back to your old home? A Yes sir.
- Q Where did Hanna go? A When she left she went to Tablequah. I hired out and went to work.
- Q Where did you and she separate? A In Delaware District up near Naysville.
- Q She went to Tablequah? A She went to Tablequah and hired out to work and I never saw her anymore until a good while. The next time I saw her she came back here and stayed here until she married.
- Q What do you call home? A Where I live at; she made her home until she married.
- Q Had she made it her home before - had she ever made her home at your home? A O I since the war.
- Q When did she first begin living at your home? A I fetched her from Texas with me.
- Q Is your home near Naysville, or was it at that time? A Yes sir.
- Q Did she go with you first to your home near Naysville? A Yes sir.
- Q Are you living in the same place now? A No sir, I am living on Grand River now, in the same district.
- Q She left your home and set over to Tablequah District? A Yes she went to Tablequah; I don't know where she went from there.
- J. S. Davenport: Was George Candlin living when the war broke out?
- A I am not able to tell you.
- Q Where was Hannah Kinbo living when the war broke out? A You are too hard for me, I don't know.
- Q Don't you know George Candlin died some years before the war and that Hannah became the property of George Starr in Texas? A That is where I got her the first place.
- Q Didn't she belong to George Starr years before the war? A I don't know that; I never got acquainted with her until I went to Texas.
- Q Did you know George Starr in Texas? A I knowed him in Texas.
- Q Don't you know when he went to Texas? A No sir.
- Q Hannah was with him in Texas when you were down there, was she?
- A Yes sir.
- Q And after the war she came back with you? A Yes sir.
- Q George Starr had been living in Texas for some time when you went down there, hadn't he? A I don't know, I never knew him until I went there.
- Q He had been out of this country, you had been acquainted around Naysville, you never knew of him living over there? A No sir, I never knew that he lived there to my knowing.
- Commissioner- You now state that this woman Hannah belonged before the war to a man named George Starr? A George Candlin first and then from that to George Starr.
- Q But she belonged to George Starr several years before the war?
- A I don't know how long.
- Q She was with George Starr when you first knew her? A Yes sir, that was where I first got acquainted with her.
- Q That was in Texas? A I never saw her until I went to Texas.
- Q You know where she went to Texas? A No sir.
- Q You know how long she had been there? A No sir.
- Q Do you know how long George Starr had been there? A No sir.
- Q Do you know whether George Starr was a citizen of Texas or the Cherokee Nation? A I don't know; and I can't tell you he was a Cherokee.

- Q You have an impression he was a Cherokee? A Yes sir.
- Q You don't know whether he was a Cherokee citizen or not? A No sir.
- Q Do you know how long he lived in Texas? A No sir.
- Q Is George Starr living now, do you know? A Not that I know of.
- Q Did you ever see George Starr after you seen him in Texas? A I don't recollect.
- Q Did you ever hear of his coming back to the Cherokee Nation, or do you know of his coming back? A I heard of his coming back.
- Q Where? A That is a little too hard for me. I can't tell you the time; I heard of him coming back.
- Q Did you ever hear that George Starr was readmitted to Cherokee citizenship long after the war by the Cherokee Council? A It appears to me I heard such talk, but I don't know.
- Q Do you recall any understanding, or knowledge when you were down in Texas that George Starr had been there since 1847? A I never heard anything about it; I don't know how long he had been there.
- Q You don't know about that? A No sir.

The applicant is now notified that the Cherokee Representatives will introduce testimony in the course of this afternoon in regard to the citizenship of his wife, and he is desired to stay on the ground in order that he may be present at that time.

The applicant applies for the enrollment of himself and wife. He is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He has lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee Freedman. His wife is perhaps too young to be upon the roll of 1880, but neither her father or mother is identified on that roll. Her father is not identified on any other roll. Her mother is identified on the Kerns Clifton Roll, and the applicant's wife is shown by the testimony to be identified on the Kerns Clifton Roll, but neither of them are upon the roll of 1896. It is shown by the testimony that the applicant and his wife were married some three years ago. It is probably that the applicant's wife's mother was carried to the State of Texas some years before the Civil War by her master at that time, and that her master became a citizen of the State of Texas and that consequently, at the time of the emancipation of the slaves, the mother of the applicant's wife was the slave of a citizen of Texas, and in the State of Texas. In accordance with the notice given to the applicant, it is purposed to inquire in this matter further in the course of the present day, and the applicant's wife will now be listed for enrollment as a Cherokee Freedman on 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 full, true and correct transcript of his stenographic notes thereof.

E. G. Rotenberger.

Subscribed and sworn to before me this 14th day of May, 1901.

T. B. Needles,
Commissioner.

Supplemental Mary A. Fry D-274.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., May 15, 1901.

In the matter of the application of Mary A. Fry for enrollment as a Cherokee Freedman.

Supplemental testimony.

Both applicant, by her husband, Leander Fry, and Cherokee Nation, by its attorneys, present.

L. B. Bell, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your age, Mr. Bell? A 62.

Q What is your post office? A Vinita.

Q How long have you lived in the Cherokee Nation? A Well, with some little loss in the war, all my life, and out at school, I was born and raised in the Cherokee Nation.

Q Do you know anything about the status of one Mary A. Fry, the wife of Leander Fry? A Well, I understand that Mary A. Fry is the daughter of Hannal Kimbrow; that is a fact; I think I know something about her other and incidentally about her.

Q Is Hannal Kimbrow dead or alive? A She is dead.

Q Do you know how long she has been dead? A She died during that payment of the Kerns roll, in 1896 I think.

Q What was the status of Hannal Kimbrow as a Cherokee Freedman? A Well, Hannal Kimbrow began live as a Cherokee Freedman.

Q Where was she born? A Well, I don't know, possible she might have been born in the State of Georgia or immediately after coming here.

Q Was she a free colored person before the war? A No, she wasn't a free colored person or a slave at the beginning of the war, in the Cherokee Nation; she belonged to the estate of George Candy, who is dead, and she went in the division to one of his children.

Q That represents that she was a slave? A She was a slave.

Q She was a slave then in the Cherokee Nation when the war began?

A No, sir, I say she belonged to the estate of George Candy and in the division fell to one of his children. A guardian of that child took her south, George H. Starr, a citizen of Russ County, Texas, about the year 1857.

Q Now George Starr took Hannal Kimbrow to Texas in 1857, is that it? A Well, that is pretty near it; well he might not have come out here and bought her, but practically George Starr took her there.

Q As a matter of fact, did George Starr take her there? A She was taken there through George Starr's agency, but he didn't do it.

Q She was taken to Texas about in '57; whose property was she at that time? A She belonged to George Starr when he bought her in 1857 and belonged to him until she was freed in 18---, well we call it '68, we held her a little after the Lincoln proclamation.

Q She was freed by the war? A Yes, sir.

Q And she belonged to George Starr at that time? A Yes, sir.

Q He was living in the State of Texas at that time? A Yes sir.

Q And has been there since '57? A Since 1847 himself, he had been living there then years before he bought her.

Q And this woman Hannal has been living there since 1857?

A Yes, sir.

Q Well how was she then from 1857 on the actual property of George Starr? A Yes, he had possession of her and had her there at his place all the time.

Mary A. Fry--2.

Q Well, you said something about George Starr being a guardian?

A I said Jim Bell was the guardian for George Candy's daughter's estate, and this girl was a part of the estate of George Candy and he sold her as the guardian.

Q And sold her to George Starr? A Yes, sold her to George Starr.

Q So in 1857 she was sold out from under Cherokee ownership, unless she passed under Cherokee ownership with George Starr, is that right? A George Starr, as far as that was concerned, was a Cherokee himself; left this country in '57 and went to Texas.

Q In '57 or '47? A 1847, and when he returned here in '69 he applied to the Cherokee National Council and was readmitted and lived here and died; he died about '76.

Q He was adjudged by the Council to have become a citizen of Texas?

A Yes, sir, and he adjudged himself to have forfeited his citizenship as far as that is concerned; I could tell you how I know these things; George Starr was my uncle, Jim Bell was my uncle, and the woman she belonged to was my first cousin.

Q And he was readmitted after the war? A '69 I think.

c-o-o-o-o-o-o

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th day of May, 1901.

T. B. Needles,
Commissioner.

c-o-o-o-o-o-o

Geo. H. Lessley, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing from the original transcript, and that the same is a true and correct copy.

Geo. H. Lessley

Sworn to and subscribed before me this the 23rd day of August, 1904.

H. H. Martin Jr.
Notary Public.

(C O P Y)

C. F. D. 274

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of
the application for the enrollment of Mary A. Frye as a Cherokee
Freedman.

Appearances:

L. B. Bell, attorney for Cherokee Nation.

MARY BUFFINGTON, being first duly sworn and being exam-
ined testified as follows:

BY COMMISSION: State your name? A Mary Buffington.
Q How old are you? A 68.
Q What is your postoffice? A Vinita.
Q In what district do you live? A In Delaware.
Q Do you know Mary A. Frye? A Yes sir.
Q Did you know her mother? A Yes sir.
Q What was her mother's name? A Hannah Kimbo.
Q Is she dead? A Yes sir.
Q Did you know Mary A. Frye's father? A Yes sir.
Q What was his name? A John Kimbo.
Q John Kimbo was a non-citizen, wasn't he? A Yes sir.
Q Did you know Hannah Kimbo before the war? A Yes sir.
Q Was she the slave of a Cherokee citizen at the commencement of
the war? A Now sir, you are too hard for me, she belonged to
George Starr; he was a Cherokee, he was in Texas.
Q At the commencement of the war Hannah Kimbo belonged to George
Starr? A Yes sir.
Q Was George Starr living in Texas at the commencement of the war?
A Yes sir.
Q Do you know how long he lived there? A No sir, I don't.
Q Do you know when he went to Texas. A No sir, because it was
in slaves times, and we had no record of dates in them days.
Q He took Hannah Kimbo to Texas sometime before the war?
A No sir, he didn't take her there. I remember when he went, I
was quite small. She was taken there after the war; I think Jim
Bell taken her there.
Q When did Hannah Kimbo come back from Texas? A She come in '66
Q What time of the year? A She come in the fall of '66, right
with me and my husband. We brought her from Houston.
Q What is your husband's name? A Gus Buffington.
Q She came with you and Gus Buffinton? A Yes sir.
Q Where did you go to? A Beatty's prairie, close to Mayesville.
Q Anybody else come along besides you and your husband and Hannah
Kimbo? A Nobody but our family come along with us, except Aunt
Wheeler.
Q What was her name? A Lucy. Lucy Buck, she was then.
Q Anybody else come then, any colored people? A Not as I know
of; we just came along in an old wagon by ourselves.
Q When you come to Beatty's prairie who did you find there?
A Old Miss Miller and John Miller and Andy Miller.
Q Who else? A Therewere several, I couldn't tell. We stopped and
camped there with Miss Miller.
Q Were they colored people? A No sir, the were Cherokees.
Q What colored people did you find there? A We didn't find any,
there was none there only one family living across the line; their

#2.

names were McFays.

Q Across what line? A In Maysville.

Q Maysville, Arkansas? A Yes sir, in Arkansas.

Q How long did Hannah Kimbo stay with you at that time after you returned? A She stayed with us; I don't remember just exactly how long, but when she left us she went to Tahlequah.

Q Did she stay with you as long as a year at that time?

A No sir, she didn't.

Q Did she stay with you three months? A Yes sir, I guess she stayed that long, I don't remember exactly how long, but she stayed a while. Of course she made her home with me before she went to Tahlequah and hired out there.

Q How long did she stay in Tahlequah? A I don't know. From there she went to Fort Gibson and then she come back and stayed with me until she married this Kimbo.

Q Did she live in the Cherokee Nation from the time she returned from Texas until she married? A No sir, she went to Missouri and stayed a while.

Q When did she go to Missouri? A After she went to Gibson, I don't know just what time it was though. She went there and stayed a while, and she went there and hired out a while and then come back.

Q When you folks returned, did you see any other colored people that had come back to the Cherokee Nation? A No sir, there was no other colored people where we went about Maysville, except about one family that lived on the other side of the line.

Q Well the place you come, was that in the Cherokee Nation, Betty's Prairie? A Yes sir.

Q Do you know where George Starr came back? A No sir, I don't know when he came back.

Q Was George Starr ever known as George Candy? A Not that I know of.

MR. BELL:

Q You knew George Candy? A Yes sir, I used to belong to him, he sold me to your pa.

Q Him and George were two different men? A Yes sir, two different men entirely.

BY COMMISSION:

Q When did Hannah Kimbo die? A In '97, she says (Referring to bystander) I don't know; that's the reason she spoke.

Q How did it happen that you brought Hannah Kimbo back with you?

A Because she was my sister and I found her there in Texas, and when the war closed, she was then a single woman, and she wanted to come back with me and I brought her back; she is my sister.

LEANDER FRYE, being first duly sworn, testified on behalf of applicants, as follows:

BY COMMISSION: State your name? A Leander Frye.

Q How old are you? A I am 32 I think.

Q What is your postoffice? A Ketchum. It used to be Vinita.

Q What district do you live in? A Delaware.

Q Are you the husband of Mary A. Frye? A Yes sir.

Q Are you the father of Andrew L. Frye? A Yes sir.

Q Your child Andrew L. Frye is still living? A Yes sir.

#3.

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 had in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Wm. Hutchinson.

Subscribed and sworn to before me this 28th day of October, 1903.

(Signed) Edward Merrick

(SEAL)

Notary Public.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 27th day of October 1904.

Charles H. Swanson
Notary Public

Lowm R

Cherokee Freedmen D-274.

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

In the matter of the application for the enrollment of
Mary Ann Frye and Andrew L. Frye as Cherokee freedmen.

D E C I S I O N.

The record herein shows that on May 14, 1901, Leander Frye appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his wife, Mary Ann Frye, as Cherokee freedmen. The said Leander Frye being differently classified is not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on May 15, 1901, and September 24, 1903. On October 27, 1901, a birth affidavit, which is filed herewith and made a part of the record herein, was filed with the Commission showing the birth of Andrew L. Frye.

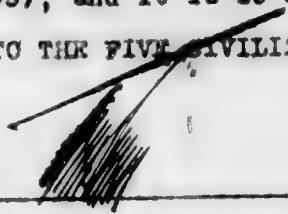
The evidence shows that the said Mary Ann Frye was born since 1866 and is the daughter of and claims her right to enrollment through Hannah Kimbo, who was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion. The said Andrew L. Frye is the minor son of the said Mary Ann Frye by Leander Frye, who is duly identified on the Cherokee authenticated roll of 1880 as a Cherokee freedman.

The evidence further shows that said Leander Frye has resided in the Cherokee Nation continuously since birth, and his residence determines that of the minor applicant, Andrew L. Frye. The applicant Mary Ann Frye, is not identified on the Cherokee authenticated roll of 1880.

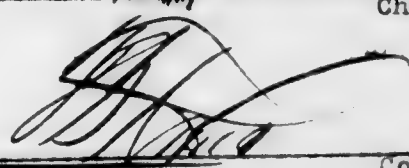
It is, therefore, the opinion of this Commission that the application for the enrollment of Mary Ann Frye as a Cherokee freedman should be denied; and it is further the opinion of this Commission that Andrew L. Frye should be enrolled as a Cherokee freedman,

under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

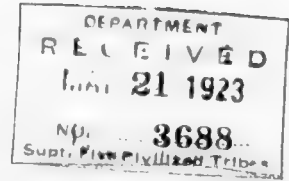


Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 29 1904


DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



WASHINGTON, D. C., May 16 1923

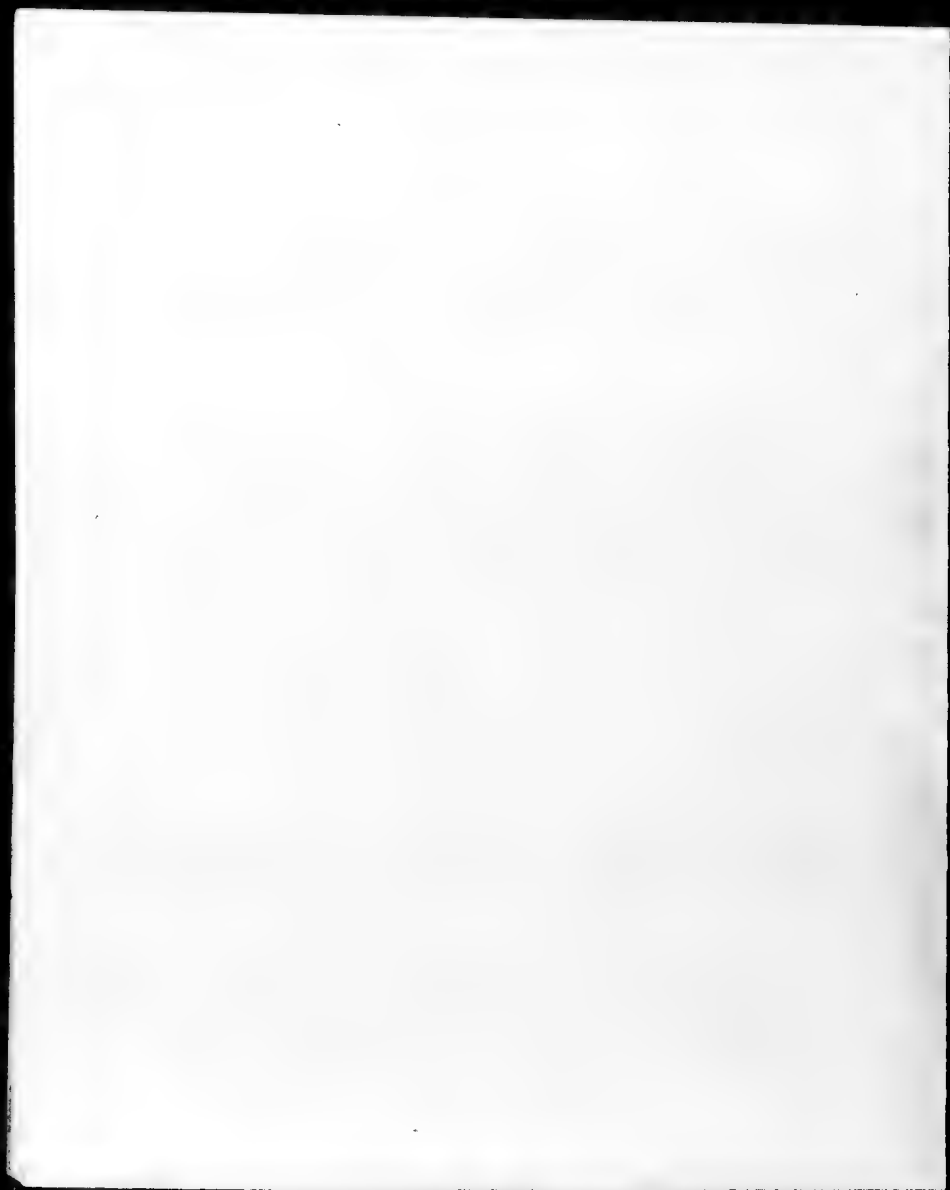
I, I. B. Meritt, Assistant, Commissioner
of Indian Affairs, do hereby certify that the papers hereto attached
are true copies of the original as the same
appears in this Office.

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.



I. B. Meritt

Assistant Commissioner.





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(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
59070-1904.

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

September 12, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to inclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen of Mary Ann Frye and her minor child, Andrew L. Frye.

July 27, 1904, the Commission decided adversely to Mary Ann Frye, and favorably to Andrew L. Frye.

The record shows that Mary Ann Frye was born since 1866, and is the daughter of, and claims her right to enrollment through Hannah Kimbo; that Hannah Kimbo, was at the beginning of the war of the rebellion the slave of a Cherokee residing in the State of Texas. The minor applicant, is the son of Mary Ann Frye and Leander Frye and derives title through Leander Frye, who is identified on the 1880 authenticated Cherokee roll as a Cherokee Freedman having resided in the Cherokee Nation continuously since his birth.

The applicant, Mary Ann Frye is not identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to Mary Ann Frye and favorably to Andrew to Andrew L. Frye is recommended.

Very respectfully

W. A. Jones

Commissioner

M.M.M.

W.

(COPY)
DEPARTMENT OF THE INTERIOR,
D.C36483-1904
I.T.D.-7384-1904 WASHINGTON

W.C.F.
WHR
J.P.

September 16, 1904

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

Gentlemen:

On August 26, 1904, you transmitted the record in the matter of the application for the enrollment of Mary Ann and Andrew L. Frye, as Cherokee freedmen, including your decision of July 29, 1904, rejecting the application as to Mary Ann Frye and granting the application as to Andrew L. Frye.

Reporting September 12, 1904, the Commissioner of Indian Affairs recommended that your decision be approved.

The Department concurs in said recommendation and your decision adverse to Mary Ann Frye and favorable to Andrew L. Frye is affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

Cher Fr 1391

Trans. from Cher Fr R 70 .

Cher Fr 1391

(C O P Y)

REFERRED, as to wife, Ary, and child, Emily B.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 6, 1901.

In the matter of the application of Charles J. Lynch for the enrollment of himself, wife and one child, as Cherokee Freedmen; Being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give your full name? A Charles J. Lynch.
Q How old are you? A 40.
Q What is your post-office? A Vinita, presently.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q All your life? A Yes sir.
Q Are you regularly recognized freedman of the Cherokee Nation?
A Yes sir.
Q Give me the name of your father? A Simon Lynch.
Q Is he dead? A No sir, he is living.
Q Give me the name of your mother? A Nancy Lynch.
Q Is she dead? A Yes sir.
Q How long has she been dead? A Been dead ever since '85; first day of the year and the first day of the month.
Q Give me the name of this child for whom you apply? A Emily Bell Lynch.
Q How old is the child? A I don't know exactly. I have got her age down in the Bible; I think she is about eight years old.
Q The child is living now? A Yes sir.
Q Give me the name of the mother of this child? A Ary Lynch.
Q Is she dead? A No sir.
Q Is she your wife? A Yes sir.
Q Is she living with you now? A Yes sir.
Q Why don't you apply for her? A She is a state woman.
Q Yes, but she is your wife; she may have a right by intermarriage, how old is she? A She is forty-two years of age.
Q When did you marry her? A I couldn't tell you.
Q Well, as near as you can come to it.
A Eight or nine years ago I guess.
Q How long had you been married to her when this child Emily was born? A At the time that child was born I wasn't married to her. Living with her, and they got up a family excitement about this living together, and I went and got a license and married her.
Q This child Emily is your child? A Yes sir.
Q You had been living with the woman? A Oh, quite a while before she was born; this new law come in and commenced scaring us up, and we went and got a license and married.
Q She is not a Cherokee of her own right? A No sir.
Q She is an outside woman altogether? A Yes sir.
Q Was she ever married except to you? A No sir.
Q Didn't she ever live with any man before she lived with you? A Not that I know of.
Q How long did you and she live together before this child was born? A I don't know, couple or three years.
Q Were you ever married except to this woman? A Yes sir.
Q How many times? A Once.
Q To whom were you married first? A I was married to a girl named Amy West.
Q Were you married by a preacher? A Yes sir, Methodist Preacher.
Q Is she alive or dead? A She is alive.
Q Did you ever get a divorce from her? A No sir.

Charles J. Lynch et al 2

- Q Did she possess any Cherokee rights of her own self, or was she an outside woman? A She has got rights.
Q Have you any children by that wife? A Yes sir, I have two one is dead, the other one is living.
Q Is that child with its mother? A Yes sir.
Q She will apply for it? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant found thereon as follows:
page 645 #655 Charles Lynch, Saline Dist, adopted colored;

1896 census roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 632 #80 Charles J. Lynch, Delaware District.

1896 census roll examined for Ary Lynch and name not found.

- Q What has become of Nancy? A She is with her mother.
Q That's the other child? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined and applicant child identified as follows:
page 632 #60 Emma Lynch, Delaware District.

- Q You say you never got a divorce from your wife Amy? A No sir, she is married, long before I did.
Q Yes, but you got no divorce from her? A No sir.
Q What preacher married you and your wife, Amy? A Methodist preacher in Fort Gibson. I don't remember his name; I hadn't known him but a short time.
Q You did not draw Cherokee Strip money for your wife Ary? A No sir

Com'r Treckinridge: The applicant applies for the enrollment of himself, his wife and one child; the applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee Freedman; he testifies that his wife is a state woman, and that he married her some eight years ago, though his further testimony would indicate that he has not been married to his present wife so long as that; it is shown, however, that he was formerly married to one Amy West; that they separated and that he never procured a divorce from his first wife; his present wife is not upon any roll, and if she were, she could not be enrolled at this time, because she possesses no right of herself, and her husband is shown not to have been divorced from his former wife, who is still living; therefore, the application for the enrollment of the applicant's wife, Ary Lynch, is rejected.

As for the application for the child, Emily E. Lynch; the child is identified on the roll of 1896, and is living at this time; it was born prior to the applicant's marriage to his present wife, who is the child's mother, but even had the child been born after their marriage it could not alter the status, as the mother has no right of herself, and as the applicant was never divorced from his first wife this child can not possess any right arising from the present marriage; therefore, the child, Emily E. Lynch, will be listed for enrollment as a Cherokee Freedman on a rejected card.

J. 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 May 7, 1901.

(Signed) C. R. Breckinridge

Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 27th day of October 1904.

Charles H. Sawyer
Notary Public.

73. H.R. 70

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

FILED

U.S. 6 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 6, 1901*
Post Office *Covina, Cal.*
District *Delaware*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father ~~_____~~ _____
Mother _____ Citizenship _____

1 Name of wife *My Lynch* Age *45*
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- 2* *Emily B. Lynch* Year *1896* Page *632* No. *13* Dist. *Del* *8*
- 4. Year _____ Page _____ No. _____ Dist. _____
- 5. Year _____ Page _____ No. _____ Dist. _____
- 6. Year _____ Page _____ No. _____ Dist. _____
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

Application made by *Chas. J. Lynch* Stenographer *M. S. Green*

On 1896, roll as Covina Lynch

X Ref.

10

FR 70

CC

OF THE INS
THE FIVE CIVILIZED TRIBES.

FILED

MAY 17 1901



ACTING CHAIRMAN

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To be filed with Cherokee Freedman R. Card #70

S U P P L E M E N T A L T E S T I M O N Y .

C H E R O K E E F R E E D M A N , D , 7 3 5 .

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 14th 1901.

In the matter of the application of Louise Mayfield et al.
Thomas Mayfield, father of said child being present and also the
Representatives of the Cherokee Nation-

THOMAS MAYFIELD, being called and sworn as a witness, testified
before Commissioner T. B. Needles, as follows:

- Q What is your name? A. Thomas Mayfield.
Q What is your age? A. 86.
Q What district do you live in? A. Saline.
Q What is your post office address? A. Spavinaw.
Q Do you know a child, 16 years of age, by the name of Louise Mayfield
A Yes sir.
Q Who is the father of said child? A. I am.
Q Are you enrolled as a doubtful citizen? A. That is the way they
have me.
Q You are the Thomas Mayfield who was enrolled here on the 7th of May
are you? A. Yes sir, last week.
Q Do you know the mother of Louisa Mayfield? A. Charles Lynche's
wife she is now.
Q What is her first name? A. Ary.
Q Were you ever married to Ary Lynch? A. No sir.
Q How did you happen to enroll Louisa Mayfield then? A. I thought
it was my child.
Q Was you ever married to the mother? A. No sir.
Q Did you ever live with her as man and wife? A. No sir, just skipped
about.
Q She was an illegitimate child then? A. Yes sir.

The records of the Commission examined and the name of Ary
Lynch is found on R. Card #70, consequently the enrollment of
Louisa Mayfield on Straight Freedman card #735, as the daughter
of Niccy Mayfield is an error and the said name of Louisa May-
field should be enrolled on Cherokee Freedman card, R.70 with
her mother Ary Lynch.

+ + + + +

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

Subscribed and sworn to before me this the 16th of May, 1901 at
Vinita, I. T.

Chas von Weise
T. B. Needles

Commissioner.

1
1810

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

FILED
NOV 13 1901

[Handwritten signature]

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NOV 13 1901
NOV 13 1901

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Ary Lynch et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

I. P. Bledsoe, Agent for the applicants;
Messrs Bell and Davenport, of counsel for Cherokee Nation.

Commissioner Breckinridge: In the case of Ary Lynch et al.
R-70, counsel desires that the attention of the Commission be
specially called to §892 of the 1892 compilation of Cherokee
laws, as applying particularly to Emily B. Lynch. A copy of
this statement will be filed in this case.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 5th of November, 1901.

[Signature]

Commissioner.

FREEDMAN 417
R 70

IN 31

Application for Enrollment of

INFANT CHILD

Amanda Lynch
as a citizen of
Cherokee

Nation

Approved January 11 1902

[Signature]
Commissioner

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

FILED
JAN 21 1902

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Application for Enrollment, as a citizen of the Cherokee Nation,
Amy Lynch, born on the 8 day of July, 1901
Father: Charlie Lynch, a citizen of the Cherokee Nation
Mother: Amy Lynch, a citizen of the U. S. Nation.
Residence, Wimite S. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Amy Lynch, on oath state that I am 45 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Charlie Lynch, who is a citizen, by adoption, of the Cherokee Nation, that a female child was born to me on the 8 day of July, 1901 that said child has been named Amanda Lynch and is now living.

WITNESSES TO MARK
(Must be Two Witnesses) } John Ward
Edward Smith } Amy Lynch
Edward Smith } mat

Subscribed and sworn to before me this 31 day of October, 1901.
Louis T. Brown
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Ida Bean, a midwife, on oath state that I attended on Mrs. Amy Lynch, wife of Charlie J. Lynch, on the 8 day of July, 1901 that there was born to her on said date a female child; that said child is now living and is said to have been named Amanda Lynch.

WITNESSES TO MARK:
(Must be Two Witnesses) } Ida Bean

Subscribed and sworn to before me this 31 day of October, 1901.
Louis T. Brown

7

W.J.S.

(C O P Y)

Cherokee Freedmen R-70.

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

In the matter of the application for the enrollment of
Emily B. Lynch et al., as Cherokee freedmen.

D E C I S I O N .

The record in this case shows that on May 6, 1901, Charles J. Lynch appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his minor daughter, Emily B. Lynch, as Cherokee freedmen. The said Charles J. Lynch is differently classified and is not embraced in this decision. The application also included the enrollment of Ary Lynch as a Cherokee freedman by intermarriage, but her status as such is not determined at this time and she is not passed upon in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, May 14, 1901, at Chelsea, Indian Territory, June 24, 1901, and at Vinita, Indian Territory, on October 31, 1901. The record further shows that one Louisa Mayfield, a daughter of Ary Lynch, was transferred to this case from a heretofore different classification, by this Commission. On January 11, 1902, a birth affidavit was filed with this Commission showing that Amanda Lynch was born to Charles J. Lynch and his said wife Ary.

The evidence shows that Emily B. and Amanda Lynch are the children, born since 1880, to Charles J. Lynch, who is identified on the Cherokee authenticated tribal roll of that year. The evidence further shows that Louisa Mayfield is the daughter of Charles J. Lynch's present wife, a non-citizen, and one Thomas Mayfield, who is an applicant for enrollment as a Cherokee freedman and who has been denied enrollment by this Commission. (See Cherokee Freedmen Doubtful No. 200).

The evidence further shows that Charles J. Lynch, the father of Emily B. and Amanda Lynch, has lived in the Cherokee Nation all his life, and it is considered that his minor children have resided in said Nation continuously since birth.

It is, therefore, the opinion of this Commission that Emily B. Lynch and Amanda Lynch should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one

of the act of Congress approved June 28, 1896 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Louisa Mayfield as a Cherokee freedman should be denied, under the provisions of law above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Brackinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this Jul 29 1904

A. P. No.

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

In the matter of the application for the enrollment of
Lottie Ridge, et al., as Cherokee Freedmen, consolidating the ap-
plications of:

Katie Ridge,	Cherokee Freedmen	D 295	R 858 ✓
Cornelius Ridge, et al.,	"	D 586	R 931 ✓
Phoebe Johnson, et al.,	"	D 589	R 932 ✓
Henry C. Ridge,	"	D 630	R 934 ✓
Ida Jones, et al.,	"	D 647	R 960 ✓
Ary Lynch,	"	R 70 ✓	
Elnora Vann,	"	R 113	R 113 ✓
Maud Riley, et al.,	"	D 591	R 933-1588 ✓
Rosa Vann, et al.,	"	D 594	R 934 ✓
William Townsend,	"	D 636	R 932 ✓
Mollie Townsend, et al.,	"	D 651	-1585 ✓
Dennis Hicks, et al.,	"	D 355	R 866 ✓
Joshua Holt, et al.,	"	D 344	R 939 ✓
Callie Miller,	"	D 648	R 961 ✓
Harry Johnson,	"	D 664	R 1007 ✓
Bath Vann, et al.,	"	D 666	R 1008 ✓
Frank Johnson, et al.,	"	D 875	R 1011 ✓
Eliza Hawkins, et al.,	"	D 358	R 869 ✓
Joseph Hicks, et al.,	"	D 360	R 870 ✓
Lattie Hicks,	"	D 361	R 871 ✓
James A. Hicks,	"	D 362	R 872 ✓
Frances Johnson, et al.,	"	D 876	R 970 ✓
Anna Butler, et al.,	"	D 979	R 1041 ✓
Howard Bushyhead,	"	D 985	R 1042 ✓
Lattie Davis,	"	D 953	R 1034 ✓
Lossa Riley, et al.,	"	D 258	✓ 1568
Andrew Riley, et al.,	"	D 260	✓ 1569
Jesse Riley, et al.,	"	D 261	✓ 1570
Frank Riley, et al.,	"	D 262	✓ 1571
Jerry Riley, et al.,	"	D 263	✓ 1572
Fannie Scott, et al.,	"	D 265	✓ 1573
Delilah Johnson, et al.,	"	D 267	1581-1574 ✓
Lottie Johnson, et al.,	"	D 268	1575 ✓
Jane Riley,	"	D 600	R 987 ✓
Daniel Thompson,	"	D 606	R 941 ✓
Elick Ward, et al.,	"	D 623	R 948 ✓
Sandy Thompson,	"	D 693	R 774 ✓

Ruth Riley, et al.,	Cherokee Freedmen	D 579	R 970-1076
Hannah Riley,	"	D 569	R 925
Charles Landrum,	"	D 601	R 939
Pettie McIntosh,	"	D 903	R 1025
William Riley,	"	D 803	1577
Carrie Gibson,	"	D 704	1578
Cora J. Wagoner, et al.,	"	D 571	1579
Arthur Riley,	"	D 571	1580
Elizabeth Melton, et al.,	"	D 441	1581
Julius Curis,	"	D 269	1582
Riley Curis, et al.,	"	D 270	1583
Ophelia Thompson, et al.,	"	D 271.	1584

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Amy Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnera Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Pettie Hicks and minor children, Leroy, Dennis Jr., Delana, Kebel and Elner Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Feeson, and minor children, Fessie Villard, Clifford and Maucelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnet for

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

refer in reply
to the following:

WASHINGTON.

September 10, 1904.

Land.
59074-1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, ~~a report~~
from the Commission to the Five Civilized Tribes, dated August 26,
1904, transmitting the record of the application for enrollment
as Cherokee Freedmen of Emily B. and Amanda Lynch.

July 29, 1904, the Commission decided that Emily
B. and Amanda Lynch were entitled to enrollment as Cherokee Freed-
men, and rejected Louisa Mayfield transferred to this case.

The record shows that the applicants, Emily B. and
Amanda Lynch, are the children born since 1880, to Charles J.
Lynch, who is identified on the Cherokee authenticated roll of
1880.

The evidence further shows that Louisa Mayfield is
the daughter of Charles J. Lynch's present wife, a non citizen,
and one Thomas Mayfield, who has been denied enrollment.

In view of the record the approval of the Commission's decision favorable to Emily B. and Amanda Lynch, and adverse to Louisa Mayfield is recommended.

Very respectfully,

W. A. Jones,
Commissioner.

H.M.M.

V.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

D.C. 36484-1904.

WASHINGTON.

I.T.O.-7392-1904.

W.C.F.
VHR
J P.

September 16, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the Cherokee freedman case of Emily B. Lynch, et al., including your decision of July 29, 1904, granting the application for the enrollment of Emily B. and Amanda Lynch, and rejecting the application of Louisa Wayfield.

The original application also included the names of Charles J. Lynch as an applicant for enrollment as a Cherokee freedman, and Ary Lynch, as an applicant for enrollment as a Cherokee freedman by intermarriage. You state that Charles J. Lynch is differently classified and that the status of Ary Lynch is not yet determined, therefore neither of said parties are included in this decision.

Reporting September 10, 1904, the Commissioner of Indian Affairs recommended that your decision be approved. A copy of his report is inclosed.

The Department concurs in said recommendation and your decision favorable to Emily B. and Amanda Lynch, and adverse

-2-

to the applicant, Louisa Mayfield, is affirmed.

Respectfully,

1 inclosure.

(Signed) Thos Ryan
 Acting secretary.

Cherokee F.R.
70.

Muskogee, Indian Territory, February 28, 1907.

Ary Lynch,
Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. Your attorney, Louis T. Brown, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been transmitted 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. You will be advised of the Secretary's action as soon as this office is informed of same.

respectfully,

Enc I-66
RPI

Commissioner.

Register.

Cherokee^F R70
et al.

C. C. C.

Muskogee, Indian Territory, February 28, 1907.

Louis T. Brown,

Attorney for Ary Lynch, et al.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ary Lynch, et al, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

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. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED *Wams* *5/21/07*

Enc I-67

Commissioner.

RPI

Cherokee F.D.
295 et al.

Muskogee, Indian Territory, February 28, 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 Commission to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedman.

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. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-35

Commissioner.

RPI

Muskogee, Indian Territory, February 23, 1907.

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 Laura Ridge, Arv Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Wilton, Percy Wilton, Herbert Wilton, Serena Wilton, Pearl Wilton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle P. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcella) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie

Secretary-2

Chinnett, Frank Johnson, Isella Johnson, Frances Johnson
Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda
Johnson as Cherokee freedmen, together with the decision of
the Commissioner, dated February 28, 1907, rejecting said
application.

In connection with the finding of this office rela-
tive to the rights of Cornelius Ridge to enrollment as a
Cherokee freedman, case No. D 506, the same being included
in the consolidated case of Katie Ridge, et al., herewith
transmitted, the attention of the Department is invited to
the case of Noah Daniels, et al., Cherokee Freedman No.
1429, formerly Cherokee Freedman D 219, wherein, in its de-
cision rendered on July 5, 1904, the Commission to the Five
Civilized Tribes found, inter alia, that one Laura Daniels,
nee Ridge, daughter of the said Cornelius Ridge, was en-
titled to enrollment as a Cherokee Freedman, said finding
being concurred in by the Commissioner of Indian Affairs
on September 24, 1904 (Land 57605-04), and affirmed by the
Department on October 22, 1904 (I.T.D. 7724-04), and in con-
formity thereto said applicant's name was placed upon a
schedule of Cherokee Freedmen forwarded to the Department
on June 26, 1905, and she is now included in a partial roll

Secretary-3

of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Commissioner

Through the Commissioner of
Indian Affairs.

Enc. I-36

RPI.

LAND DIVISION
WHA - - - PSR
4/20/18

In re certified copy of birth
affidavit of Amanda Lynch,
Cherokee Freedman, Roll #5308.

April 20, 1918.

Farrar & Pendleton,
Talala, Oklahoma.

Gentlemen:

Replying to your request for certified
copy of birth affidavit of Amanda Lynch, Cherokee
Freedman, Roll #5308, you are advised that the original
thereof is on file in the Interior Department at
Washington, D.C. I have, however, requested to be
furnished with a certified copy thereof, and as soon
as same is received will fill your order.

Sincerely yours,

Superintendent for the
Five Civilized Tribes.

LAND DIVISION
WHA - - - PSR
4/20/18

Requesting copy of birth
affidavit.

April 20, 1918.

The Honorable,

The Commissioner of Indian Affairs.

Dear Mr. Commissioner:

For the official use of this office, you are kindly requested to furnish a certified copy of the birth affidavit in the case of Amanda Lynch, Cherokee Freedman, Roll #3308.

It appears that the original affidavit in this case was mailed to the Secretary of the Interior on February 28, 1907, with the record in the consolidated case of Katie Ridge, etal, applicants for enrollment as Cherokee Freedman.

Sincerely yours,

Superintendent for the
Five Civilized Tribes.

REFER IN REPLY TO THE FOLLOWING:

5-1100

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRSLand-Five Tribes
34737-18 DEPARTMENT OF THE INTERIOR
J E D

OFFICE OF INDIAN AFFAIRS

In re birth affidavit WASHINGTON
in case of Amanda Lynch.

Mr. Gabe E. Parker,

Supt., Five Civilized Tribes.

My dear Mr. Parker:

Reference is made herein to the request of April 30, 1918, of the Acting Superintendent for the Five Civilized Tribes for a certified copy of the birth affidavit in the enrollment case of Amanda Lynch, Cherokee Freedman, roll No. 3308.

It was stated in the Acting Superintendent's letter that the original affidavit in said case was mailed to the Secretary of the Interior on February 28, 1907, with the record in the consolidated case of Katie Ridge, et al., applicants for enrollment as Cherokee Freedmen.

An examination has been made of the record in said consolidated case and of the papers transmitted with the letter of February 28, 1907, of the then Commissioner to the Five Civilized Tribes submitting the record in said case, and the Office is unable to find therein the above mentioned birth affidavit of Amanda Lynch, or that the name of Amanda Lynch appears among those of the parties in said consolidated case. A further examination will be made, however, of the indexes of the Office records relating to Cherokee Freedmen enrollment matters, and if the above mentioned affidavit can be found among the papers on file in this Office, a certified copy thereof will be promptly furnished you in compliance with the Acting Superintendent's request.

Very truly yours,

Assistant Commissioner.

SAR-5-7

LAND DIVISION

DD405 - - 18

WPA - - - PER

5/23/18

Requesting copy of
- - - - birth affidavit of
Land-P.T. Amanda Lynch, Cherokee
24707-18 Freedman, Roll #3308.

J H D

May 23, 1918.

The Honorable,

The Commissioner of Indian Affairs.

Dear Mr. Commissioner:

Responsive to Indian Office
letter of May 19, 1918, concerning request for certified
copy of the birth affidavit in the case of Amanda Lynch,
Cherokee Freedman, Roll #3308, it appears upon further
examination of the records of this office, that on
August 26, 1904, the record in this case was transmitted
with the record in the Cherokee Freedman case of Emily
B. Lynch, et al, instead of with the record of the con-
solidated case of Katie Edge, et al, as stated in my
letter to your Office of April 20th, 1918.

Sincerely yours,

Superintendent for the
Five Civilized Tribes.

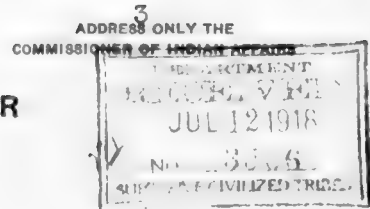
5-1100

REFER IN REPLY TO THE FOLLOWING:
Land--Five Tribes.
44503-18.
J E D

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON



In re birth affidavit
in Cherokee freedman
case of Amanda Lynch.

JUL -8 1918

Mr. Cate L. Parker,
Supt., Five Civilized Tribes.

My dear Mr. Parker:

Reference is again made to the request of April 30, 1918, of the Acting Superintendent for the Five Civilized Tribes for a certified copy of the birth affidavit in the case of Amanda Lynch, Cherokee freedman, roll number 3308, and to the information contained in the Acting Superintendent's letter of May 23, 1918, that said affidavit was with the records in the Cherokee freedmen enrollment case of Emily P. Lynch, et al. A further search of the Office records has been made, and the record in the case of Emily P. Lynch, et al, has not thus far been found, it apparently having been mislaid in the files. The Office is therefore unable at the present time to furnish you the certified copy of the birth affidavit relating to the above-named Amanda Lynch.

A still further search will be made, however, among the papers on file in this Office, and as soon as the record in the above-mentioned case of Emily P. Lynch, et al, can be found, a certified copy of the birth affidavit above referred to will be forwarded to you in compliance with the Acting Superintendent's request.

Very truly yours,

C. J. Hauke

Acting Assistant Commissioner.

VM-7-5.

INDIAN LAND AND MONEY
LPS-3-9-42
Birth Affidavit for
Amanda Lynch,
Cherokee Freedman 3308.
ENCLS
Statistics - L

March 9, 1942.

The Honorable
Commissioner of Indian Affairs.

Dear Mr. Commissioner:

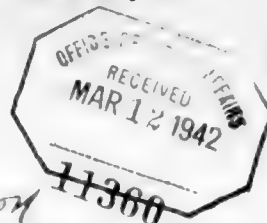
We are in receipt of a request from Mr. Charles J. Lynch, Vinita, Oklahoma, enrolled as Cherokee Freedman 1782, requesting a copy of birth affidavit filed in this office at the time application was made for the enrollment of his daughter, Amanda Lynch as Cherokee Freedman 3308. The birth affidavit, as shown on the census card, was received at this office on January 11, 1902.

The records of the office show that on August 26, 1904, the records in the Cherokee Freedman case of Emily B. Lynch, including decision of July 29, 1904, granting the application for the enrollment of Emily B. and Amanda Lynch as Cherokee Freedmen, was forwarded to the Department at Washington for further consideration, and which record case was received at Washington as shown by copy of Departmental letter dated September 10, 1904 to the Honorable Secretary of the Interior and also by copy of letter dated September 16, 1904 by Hon. Thos. Ryan, Acting Secretary, to the Commission to the Five Civilized Tribes. We hope the notations on these copies of letters will assist in locating the records mentioned; and we respectfully ask that a copy of the birth affidavit with such case showing date of birth of Amanda Lynch, Cherokee Freedman 3308, be sent to this office for Mr. Lynch. We will appreciate the return of the enclosed copies of letters dated September 10 and 16, 1904, for the files of this office.

Respectfully,



Assoc. 20 Superintendent.



REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

Land Division
Adj.
11360-42

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON



Mr. A. M. Landman,
Supt., Five Civilized Tribes Agency.

MAR 30 1942

My dear Mr. Landman:

Receipt is acknowledged of your letter dated March 9, copy enclosed, relating to the request of Charles J. Lynch for a copy of the birth affidavit filed in connection with the application for the enrollment of his daughter, Amanda Lynch as Cherokee Freedman 3308.

In compliance with your request there is enclosed a photostatic copy of the birth affidavit showing the date of birth of Amanda Lynch. There are also returned the enclosures submitted with your letter.

Sincerely yours,

J. M. Stewart
For the Commissioner.

Enclosure 2810119

2185

Dec. 5. 11. 1
L. A. - Five Friends
44737-12
JED

CHICAGO, ILL.

I enclose for you a copy of the
copy of the letter which I received from
roll out of the office of the Cherokee Tr.
at least one to look for the first copy of
in the papers transmitted in the letter of
Feb. 2. 1907. and that a further search
would be made among the papers in the
enrollment books of Cherokee Tr.

Dec. 5. 11. 1
L. A. - Five Friends
44737-11
JED

CHICAGO, ILL.

A copy of the letter of the Cherokee Tr.
to the National Council of the Cherokee Tr.
in the name of the Cherokee Tr., Cherokee,
and the first copy of the letter of
in the name of the Cherokee Tr.
1907, 1x1.

Cher Fr 1392

Trans. from Cher Fr D548

Cher Fr 1392

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Smith & Mellette, for Applicants:
Mr. W. W. Hastings, Cherokee Representative.

- Q What is your name? A Nelson Murrell.
Q How old are you? A 77.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A Myself and wife.
Q What is the name of your wife? A Flora.
Q How old is Flora? A About 67.
Q Is your name on the roll of 1880, Mr. Murrell? A No, sir.
Q Is your wife's name not on the roll of 1880? A No, sir.

BY MR. SMITH:

- Q What is your post office, Mr. Murrell? A Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south
Q In the Indian Territory? A Indian Territory.
Q What Nation? A Cherokee.
Q Were you yourself born a slave? A Yes, sir.
Q Who was your Master? A Well I was born a slave of one Nave.
Q Do you know what Nave it was? A Henry Nave.
Q Was he a Cherokee Indian? A His wife was.
Q What was her name? A Susie Nave.
Q Do you know what her name was before she married Henry Nave?
A Susan Ross.
Q Was she a Cherokee Indian? A Yes, sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation?
A Well, his wife was a Cherokee and he was adopted citizen by marriage.
Q Where did they live before the war? A Well, before the war the first I knew of them they lived in Georgia.
Q Did they ever live herein the Indian Territory? A Yes, sir.
Q In what part of the Nation? A Tahlequah District.
Q Where were you when the war commenced? A I was right near Tahlequah.
Q With what family of people? A With the Murrells, George Murrell.
Q Did you go out of the Cherokee Nation before the war.
A Yes, sir.
Q Where did you go to? A Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A I returned the first time in '65, February, '65.
Q Where did you come to? A I came to the Cherokee Nation.
Q What point? A Up in Cooweescoowee.
Q Well near what place? A Snow Creek vicinity.
Q How far from what is now the town of Chelsea? A I don't know exactly how far from Chelsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation.
A Yes, sir.

- Q Well after you came in 1865 when did you come out again after you went out? A Went back again about a month after I came in '65
- Q Did you return to the Cherokee Nation at any time after that? A Yes sir.
- Q About when? A Came back in July.
- Q Of what year? A Same year.
- Q Did you remain here at that time? A No sir.
- Q What did you do then? A Went back.
- Q When did you return then to the Cherokee Nation? A In '65, in the fall, in '66 and '65 I mean in the fall.
- Q Well where did you locate? A I located on the Verdigris on the east side of the Verdigris, west side of Snow Creek.
- Q When? A I located on the east side of the Verdigris, west side of Snow Creek.
- Q When was it you made that location? A I made that location in '75 where I live.
- Q Where had you been up to 1875? A I had been back to Kansas.
- Q When was it now you said you first came down here? A I come down in February, '75.
- Q You don't mean '75? A No, sir, '65.
- Q Now when did you first make that first location? A I made it the same time.
- Q You said Mr. Murrell, '75, a while ago? A I took that back, I made a mistake.
- Q Well when was it? A I come in '65.
- Q That is what you said when I asked you when you made your first location? A My first location I made it in February, '65.
- Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
- Q Who is your wife now? A Flora Murrell.
- Q How long have you known her? A I have known her 40 odd years.
- Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, maybe more I won't be positive.
- Q Where? A Close to Tahlequah, Park Hill.
- Q Before the war? A Yes, sir.
- Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the war.
- Q Well, when did you see her next? A I saw her along about '73, 1873, I saw her.
- Q Where was she living? A Well, sir, she came into the country there where I lived.
- Q Well, where were you living? A I was living out there near Snow Creek.
- Q Was she ever married before she married you? A Well, sir, she come there a married woman.
- Q What was her husband's name? A Robert Vann, Louin Vann in Cherokee.
- Q When did you marry? A I married about 26 years ago.
- Q Have you and she been living together ever since? A Yes, sir.
- Q Where? A Up where I live now, Snow Creek..
- Q How long had you been back here after you made your location here in 1865 before you first saw her? A It was about two years.
- Q You don't know where she was in 1866? A No, sir.

BY MR. HASTINGS:

- Q You come down in 1865? A Yes, sir.
- Q Who come with you at that time? A Joseph Ross and Frank Nave.
- Q Anybody else? A That is all.
- Q Where did you come to? A Come on Verdigris.
- Q Near Snow Creek? A Yes, sir.
- Q How long did you remain up there? A About one month, somewhere along about that.

- Q Where did you go from there? A I went back to Kansas.
- Q How long did you stay in Kansas? A I come back the next time in June.
- Q The following June? A Yes, sir.
- Q What did you do then in June? A Cut hay.
- Q You put up hay then did you? A Yes, sir.
- Q Then you went back did you? A Yes, sir.
- Q Well when did you come back then? A I come back in the fall.
- Q Same fall was it? A Fall of '66.
- Q Was it the same fall you put up the hay in June? A Fall of '66.
- Q Answer my question did you come back the same fall that you put up the hay? A Yes, sir.
- Q You put up hay after you were here in June? A Yes, sir, I come back in the fall of '66, I know that.
- Q The first time you ever come here that was in February?
- Q Yes, sir.
- Q According to your testimony you stayed here about a month?
- A About a month.
- Q You and Joe Ross and Frank Nave? A Yes, sir.
- Q Frank Nave is dead isn't he? A Yes, sir.
- Q Now, you stayed you stayed here about a month at that time?
- A Yes, sir.
- Q Then you went back to Kansas? A Yes, sir.
- Q Now, you stated that you came back here the following June and put up hay, is that true? A That is true.
- Q Now, then you went back to Kansas again? A Yes, sir.
- Q Now, the next time you moved is that correct? A Yes, sir.
- Q And that was the following fall? A Yes, sir.
- Q Now, the first time you come here was in February, '65?
- A Yes, sir.
- Q Now, who come with you when you come in June? A Joseph Ross, Posy Gibson, Ben Pee and Caesar Hog.
- Q That was all was it? A Yes, sir.
- Q Did you see any colored people, anybody when you first came.
- A Yes, sir.
- Q Who? A Amos Adair.
- Q You testified in Amos Adair's case the other day didn't you?
- A I did.
- Q Did you see any colored people here the following June when you come? A Mr. Adair.
- Q He was here in June was he? A I think he was, if I mistake not.
- Q That was the June after you were here in February? A Yes, sir.
- Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.
- Q You never saw any colored people while you were on that trip?
- A No, sir, not on that trip.
- Q Now about what time did you return to locate?
- A I returned to locate the third time in the same following fall.
- Q In the same following fall? A Yes, sir.
- Q About when? A Along about the first of the fall, I don't know exactly.
- Q You don't remember the month? A No, I don't remember the month.
- Q Do you think it was as early as September? A It hadn't got cold yet.
- Q The leaves were on the trees? A Yes, the leaves were on the trees.
- Q You never lived about Fort Scott Kansas did you? A No, sir, I never did live there.
- Q You didn't make a crop on the Stuart farm did you? A No, sir, I don't know nothing about Stuart.
- Q Did you make a crop up there? A Yes, sir.
- Q On whose place? A I made a little crop on John McKibbon's place one year.

Nelson Murrell, et al.--4.

- Q What did you raise? A I raised a little corn.
Q What year was that? A That was while the war was going on, I think it was in '63.
Q Wasn't you in the army? A No, sir, wasn't in no army.
Q You never made a crop in 1865? A No, sir.
Q Did you make one in 1866? A No, sir.
Q Did you make a crop up there in '67? A No, sir, I wasn't up there.
Q Did you know a man by the name of Rector? A Yes, sir.
Q What county was he in? A Bourbon County (Kansas.)
Q Did you know Mrs. Brumby? A I got acquainted with her down here.
Q You never knew her up there? A No, sir.
Q You never saw her before? A Never saw her before I saw her here
Q Where did you get acquainted with her here? A She was at my house.
Q On Snow Creek? A Yes, sir.
Q You come, then, and located on Snow Creek, did you?
A Yes, sir, on Snow Creek.
Q You had built that house in there in February before?
A February before.
Q Where did you spend the winter before that? A The winter before that.
Q The winter before you come down here? A Near Mound City.
Q Murrell, do you belong to the Freedmen Protective Association?
A Yes, sir.

Objected to by Attorney for Applicant because it is incompetent, irrelevant and immaterial.

Objection overruled by the Commission.

- Q Who are your witnesses? A Joseph Ross.
Q Does he belong to that Association? A I don't know whether he does or not.
Q Don't you know the members of it? A Yes, he belongs to it.
Q Who is any other witness? A Steven Looney.
Q Does Steven Looney belong to it? A I don't know whether.
Q Does he belong to it? A I don't know; he lives in another neighborhood.
Q About how far from you? A About three miles.
Q You don't have different Associations every three miles?
A Might have different places where they meet.
Q About how many belong to your association? A I don't know.
Q Well, about how many? A Maybe 20 or 30.
Q Are your meetings held in secret? A No, sir.
Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.
Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.
Q You have testified for several? A Yes, sir.
Q You were at Fort Gibson? A Yes, sir.
Q You went down there as a member of the Committee?
Q I went down there with a man.
Q You are down here as a member of the Committee?
A Yes, sir.
Q What other witnesses have you got? A Sam Webber.
Q Does he belong to your association too? A I don't know nothing about Sam Webber.
Q Don't you know the members of your Association? A I know the members where I live; Sam Webber lives at Nowata.
Q Well now, does this Joe Ross belong to it?
A Yes, sir.

BY MR. SMITH:

- Q What did you say that the purpose of that association was.
A The purpose of that Association is ~~Cherokee~~ ~~Cherokee~~ Cherokee Freedmen Protective Association, Cherokee Freedman.

Q What is the purpose of it? A It is to protect one another in helping one another through this Court I suppose to be Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedmen, or there has not right to be there; that is the order.

BY W. W. HASTINGS: It is a secret order is it? A No, sir, no man comes in there belonging to the United States, he has no right in that order.

BY MR. SMITH:

Q Mr. Murrell, do you know how many of those Associations there are? A No, sir; I don't know exactly there may be three or four, four or five, as far as I know.

Q You were asked if you had testified for a good many of the applicants? A Yes, sir, I was asked that.

Q You stated that you had I believe? A I had for a good many.

Q Have you testified for any applicant except those that you knew to have been here in 1866? A No, sir, I haven't; I deny the charge.

Q You have been in attendance consistently upon this This Commission since it has been meeting at Chelsea? A No, sir.

Q Have you heard any Cherokee Indian testify in favor of those applicants? A All come back in '70, I haven't heard nary one.

Q How many people ~~xxxx~~ on the part of the Cherokee Nation have you observed on this from tow right here (Indicating.)? A Oh I have observed several.

Q Do you know what they are doing? A I see some slipping in little slips here to Mr. Hastings and others say they preparing them around there and slipping them here.

Q Do you know in what capacity they are retained here? A No, sir, I can't tell.

BY MR. HASTINGS:

Q Mr. Smith has been the Attorney of a good many hasn't he?

A You know how many he is for.

Q He has the calling hasn't he? A Yes, sir.

Q He has not called any Cherokee citizens has he? A No, sir.

Q Mr Murrell, there is about two thousand recognized Freedmen on the roll of 1880? A I don't know anything about how many.

Q The Cherokee Nation made that roll? A A Till you got there with them I don't know.

Q The Cherokee Nation made that roll? A Yes, sir, I suppose so.

Q And they recognized in 1880 about two thousand old slaves?

A Yes, sir.

BY MR. SMITH:

Q Do you know of any old slaves they didn't recognize in 1880?

A Yes, sir, I do.

Q Were you here when that census was taken? A Yes, sir.

Q Do you know how that census was taken? A Yes, sir.

Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Coffeyville, where old Paker was at that time; these census takers would come up there and sometimes they would get drunk and overlay their time and then they would go to the nearest house and ask who lived over there and they would tell them.

BY MR. HASTINGS: You don't know that? A Yes, sir; I know it, I knew it to be a fact.

Q The National Council revised and authenticated this roll of 1880 didn't they? A I don't know; they done so many things, I don't know what they done.

BY COM'R NEEDLES

Q Did these census takers come to your house and enroll you in 1880? A No, sir, not at that time.

Nelson Murrell, et al.--6.

Q STEVE LOONEY, called as a witness and being duly sworn by Commissioner T. B. Needles, testified as follows:
EXAMINATION BY MR. SMITH:

Q What is your name? A Steve Looney.
Q Where do you live, Mr. Looney? A I live up on ~~xxx Yaxgkis~~ the Verdigris.
Q How long have you lived there? A I have been living there ever since the fall of '66.
Q Have you got any brothers and sisters? A I have a sister I have no brothers.
Q What is your sister's name? A Frances.
Q Frances what? A Frances Patterson, if she goes by her husband's name, and have one named Mandy.
Q Do you know Nelson Murrell? A Yes, sir.
Q How long have you known Nelson? A I have been knowing him pretty near all my life, ever since I was a little boy.
Q How old do you say you are? A About 58.
Q Where did you know Nelson first? A Knowed him at Park Hill.
Q Where was Park Hill? A Down in the Cherokee there.
Q Near what town now? A Tahlequah.
Q Do you know who he belonged to? A He belonged to George Murrell; that is his Massy's name; he belonged to his Mistress, Mandy Murrell, she is a Cherokee.
Q Did he ever belong to anybody else except them? A Not as I know of.
Q Not that you know of? A Not as I know of.
Q Which is older you or he? A He is older than I am.
Q Do you know whether he went out of the Nation during the war? A Yes, sir.
Q Did he? A Yes, sir, I guess he did.
Q When did you first see him back here in the Cherokee Nation after the war? A Well we came together come to the Cherokee Nation.
Q Where did you come from? A Come from Fort Scott, Kansas.
Q Where did you come to? A We come on the Verdigris river here Cherokee Nation.
Q Well, when did you come? A We come in the fall of 1866.
Q Where did you come to, what point; you said on the Verdigris river, now whereabouts? A Right close to Gooseneck bend.
Q Where have you been living ever since that time? A I have been living right where I live now.
Q How far does Nelson Murrell live from you? A It must be three miles or more, about three miles and a half I guess.
Q Something near three miles and a half? A Yes, sir.
Q Well, where has Nelson Murrell been living all this time? A Been living right where he is now.
Q Since when? A Since we moved there in '66, the fall.
Q Do you know his wife, Flora Murrell? A Yes, sir.
Q When did you get acquainted with Flora? A Well, I used to know her before the war.
Q How long had she and Nelson been married, do you know? A I don't know.
Q Well, is it a long time or short time? A Been a good while ago
Q Are they living together up there now? A Yes, sir.

BY W. W. HASTINGS:

Q What was his wife's name when you first knew her? A If I ain't mistaken it is a Melton.
Q Melton? A Yes, sir, if I mistake not.
Q Who did she belong to before the war? A If I ain't mistaken, might be mistaken, George Melton, or Lewis Melton, it was the Melton family; there was a whole lot of them.

- Q Where did she live before the war? A They did live there a while at Park Hill.
- Q Where did you live? A I lived on Illinois river.
- Q Do you think they belonged to the Meltons? A Yes, sir.
- Q Was she and Uncle Nelson married before the war?
- A No, sir, I think not.
- Q Wasn't they living in Kansas together? A I don't think she was.
- Q Well when did you first see them living together? A Well that is when I was telling you I don't know how long since they was married.
- Q When did you first see them, how long ago? A He was up on Snow Creek.
- Q Did he bring her back with him when you come with him? A I don't think he did.
- Q When did he bring her? A I could not tell you that.
- Q You can't say whether he brought her with him or not?
- A No, sir.
- Q Who did he bring with him? A He brought a woman by the name of Eliza.
- Q Is she living? A No, sir; she is dead.
- Q When did she die? A She has been dead a good while ago, I could not tell you just how long it has been.
- Q How long was it after the war was it until you saw this woman?
- A Well I could not say that either, it has been a good while ago.
- Q Do you know whether she was ever married before?
- A No, sir, I could not tell that.
- Q When is the first time you were ever down here after the war?
- A I come in the fall of '66.
- Q That the first trip you ever made? A That is the first trip to my recollection.
- Q That is when you moved down? A Yes, when I moved down.
- Q About what time in the fall was it? A Kinda cold, late in the fall.
- Q Pretty near Christmas? A It might have been.
- Q About how long was it after the treaty, after you heard of it until you come? A I told you once I didn't know about what time, it might have been close to about a year, couldn't tell you exactly, never kept any dates, I come back in that fall.
- Q You never kept up with dates very well? A No, don't know anything about it.
- Q You didn't come down with Uncle Nelson in June or July before?
- A No, sir.
- Q Did he have any house built down there? A If he did I disremember.
- Q You didn't see it? A No, sir.
- Q Did he have a crop down there? A No, sir.
- Q No corn? A No, sir.
- Q Have any hay? A Well he might have had hay; I didn't stop around him very long I moved right across the river.
- Q How far did you locate from him? A It must be three miles or three miles and a half.
- Q Did he come in a wagon? A Yes, sir.
- Q How many wagons did Uncle Nelson have? A One as I know of.
- Q Only one team? A Yes, sir.
- Q Well, where did you get in with Mr. Murrell at?
- A Fort Scott.
- Q Did he live there in Fort Scott? A Not right in Fort Scott he didn't
- Q On whose place was he living? A I disremember the man's name now.
- Q Do you think you would remember it if I was to call it?
- A I don't know whether I would or not.
- Q Do you remember a man's name by the name of Stuart?
- A I don't believe I do.

Q Did you know whether he made a crop down here that year that you moved down here in the winter? A I don't know whether he did or not.
Q He was living on a farm near Fort Scott? A Yes, sir.
Q And there is where you got up with him? A Yes, sir.
Q Do you belonged to uncle Nelson's Freedman Protective Association? A I told you not.
Q You live within three miles from him? A Yes, sir, I could live in the house and then not belong to what he did.
Q He testified for you? A Yes, sir.
Q And you are testifying for him? A Yes, sir.
Q Yet you don't belong to his Protective Association? A Wasn't nobody up there to have as a witness, nobody there; if there had been anybody there I probably would have had different people.

JOE ROSS, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

State your name. A Joe Ross.
Q How old are you? A I am about 60 years old.
Q Where do you live? A Up in Cooweescoowee.
Q What is your post office? A Coffeyville.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.
Q Did you go out of the Nation during the war? A Yes, sir.
Q Do you know Nelson Murrell? A Yes, sir.
Q Was he out during the war, or did you know about that yourself? A Out during the war?
Q Yes, was he out during the war, or did you know? A Yes, he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him me and him come down to the Cherokee Nation from Kansas.
Q When did you come? A In '65 first.
Q Where did you come to? A Down here on the Verdigris.
Q In what district? A Cooweescoowee District.
Q That was Cherokee Nation? A Yes, sir.
Q Well, where have you been living ever since that time? A I have been living right here.
Q What do you mean by right here? A In Cooweescoowee until we come back.
Q How far do you live from where Nelse Murrell lives? A We live right close together.
Q How close together? A We stayed pretty near in one house pretty near together.
Q Do you mean now? A Not now, he stays on one side of Snow Creek and I stays on the east side.
Q How far do you live from him now? A About two or three miles.
Q Do you know where Nelson Murrell has been living since you and he came back here in 1865? A Yes, sir.
Q Where? A Right where he is living now.
Q And where is he living now? A Verdigris.
Q In what Nation? A Cooweescoowee.
Q Cooweescoowee District you mean? A Yes, sir.
Q Well, what Nation is it in? A Cherokee Nation.

BY MR. HASTINGS:

Q Do you know what Nation this is, are you positive? A I know it is Cherokee Nation all right.
Q Do you know what district it is? A Yes, sir.
Q What? A Cooweescoowee District.
Q Uncle Joe, what year is this? A I don't know, sir.
Q Do you know any year? A Mighty little.

- Q Don't know anything about dates? A No, sir.
- Q Do you know what year you were born? A No, sir, I don't know that.
- Q Do you know what year you were married? A No, sir.
- Q Q You don't know about any other than, anything but the one you mentioned? A Yes, sir.
- Q That is the only year you know? A No, sir.
- Q What other year do you know? A '65.
- Q Don't you know any other year? A No, sir.
- Q You never heard of any other year? A Yes, sir.
- Q What other year did you hear of? A '66.
- Q Did you ever hear of any other? A No, sir.
- Q You never heard of any other except these two? A No, sir.
- Q Where did you live before the war? A Lived with John Ross.
- Q Did you know Nelson Murrell's wife? A Yes, sir.
- Q Flora? A No, sir; one he lived with up there, I knowed his wife was Eliza Murrell.
- Q Well his present wife; is that his present wife? A Yes, sir.
- Q Well, I didn't know that that is the wife he is living with now? A Yes, sir.
- Q How long have you know her? (Noreponse.)
- Q You come to Snow Creek did you? A Yes, sir.
- Q About what time of the year did you come to Snow Creek? A Come there in '65 the first trip I made.
- Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.
- Q About Christmas? A No, it was not Christmas.
- Q Well, was it before Christmas or after Christmas? A No, it wasn't, it was sometime, it was cold weather, I don't know what time it was.
- Q Snow on the ground? A Snow ketched us on the ground before we went back.
- Q Who come with you? A Me and Nelson Murrell and Frank Nave.
- Q How long did you stay her? A About a week and some nine or ten days.
- Q The snow caught you on the ground while you were down here? A Yes, sir.
- Q What did you come down for? A We fetched a load of flour down.
- Q Is that the old time you were down here before you moved. A That was before I moved I come down here.
- Q Then the next time you come down you moved? A No, sir, I come two trips, third trip I moved.
- Q Who come with you the second trip? A Me and Murrell.
- Q Who else? A Posy Bigson.
- Q And who else? A That is all I remember.
- Q What did you do that time? A We cut some hay and put up.
- Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.
- Q How long did you say? A We stayed a week or so.
- Q What did you cut hay with? A Mowing blade, grass blade.
- Q And put it up in stakks? A Put it up in Stakks.
- Q You didn't build any houses then? A We built our houses before that.
- Q Was that in 1866 you come that time? A In '66, we went up and moved out folks down to our houses.
- Q You have lived up there on Snow Creek ever since? A Yes, sir.
- Q Uncle Nelson testified for you in your case? A Yes, sir.
- Q And you are testifying for him in his? A Yes, sir.
- Q Do you belong to Uncle Nelson's Freedman Protective Association? A I didn't know they had a Freedman.
- Q Do you belong to it? A I don't know whether I is or not.
- Q Do you belong to an Association of colored people? A. Yes.
- Q Good many people
- Mr. Smith: Mr. Court, I want to make a formal objection

because it is irrelevant, incompetent and immaterial.
Objection is overruled by the Commission.

- Q I want to ask you if a great many don't belong to that association up there? (no response.)
Q Say, Joe, don't a good many people belong to that Association?
A Not a good many of them.
Q About how many? A I don't know how many there is a few of us.
Q It is a Secret Association isn't it? A I guess it is.
Q You only let certain persons in? A We let all come in we don't want to come in.
Q Steven Looney belonged to it? A I don't know whether he is or not.
Q You don't know the members of it? A I know 'em, but they.
Q You can't tell them? A No, sir.
Q You are not allowed to tell them? A No, I ain't.
Q You are not allowed to tell the purpose of it are you?
A No, sir.
Q It is a secret Association then isn't it? A It must be.
Q Where did you see, first know Nelson Murrell's present wife, the wife he is living with, where did you first know her? A I knowed her where she is now, in the Cherokee Nation.
Q Well, when did you first know her? A I have been knowing her all my life.
Q Who did she belong to before the war? A She belonged to old man Melton.
Q When did she and Nelson marry? A I don't know, sir, when they married.
Q Before or after the war? A Well, before the war; yes, before the war.
Q Did Nelson bring her down here with him when he came back with you? A No, sir.
Q Well did he bring her down here when he moved his family?
Q No, sir, he didn't.
Q Well, who did he bring? A He brought his wife with him what he had up there, Eliza Williams.
Q That is not the wife he is living with now? A No, sir.
Q Well had he married this wife before the war? A Which wife?
Q This one he is living with now? A No, sir.
Q He didn't? A No, sir.
Q He never married her until after the war? A No, sir.
Q Well, how long after the war until you saw this woman?
A I saw her, don't know how long it was.
Q Did she come along with you people? A No, sir, she didn't.
Q Do you know who brought her down here? A No, sir.
Q Do you know when she come? A No, sir.
Q You don't know how long after the war? A No, sir.
Q Do you people in your Association agree to help each other get up your testimony? A We don't have any testimony to get up.
Q Never made any agreement of that kind? A No, sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson?
A I didn't appoint him.
Q I mean that Association down there they sent him down there?
A No, sir; they didn't.

BY MR. SMITH:

- Q I believe you stated that you didn't see and you didn't yourself know where Flora Melton was when you and Nelson came back down here in 1866? A No, sir; I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson married? A No, sir.
Q Can't say? A No, sir, I can't say.

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Q Now, who was Nelson's wife before he married Flora? A Eliza Williams.

Q Eliza was her name was it? A Yes, sir.

Q Well, Nelson was not married to Flora before the war was he?

A No, sir.

FLORA MURRELL, being called and sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.

Q How old are you? A Well if I remember right I think the last day of this last June I was 70.

Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris river.

Q In what Nation? A In the Cherokee Nation.

Q How long have you lived there, in the Cherokee Nation?

A All my life.

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

Q To whom did you belonged at the time the war commenced?

A Lewis Melton and Susie Melton.

Q Were they Indians? A Yes, sir.

Q Cherokee Indians? A Yes, sir.

Q Citizens of the Cherokee Nation? A Yes, sir.

Q Where were you during the war? A I was up in Big Bend.

Q Where is Big Bend? A Up on the Arkansas River.

Q In what Nation? A Well it was in the Cherokee Nation.

Q Did you go out of the Cherokee Nation at all during the war?

No, sir.

Q Where were in the year 1866, immediately after the war closed?

A I was at Big Bend, I don't know none of that time.

Q You don't know dates? A No, sir.

Q Well, have you ever lived out of the Cherokee Nation at all?

A Never has.

Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary Melton, and had a daughter named Susie, George and Catherine and Edward Melton, Moses Melton.

Q In what part of the Nation were you living when the war commenced?

A We was living on the place where.

Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.

Q What town would that be as the towns are built now? A There wasn't no towns near us then any nearer than Tahlequah.

Q Well, how far did you live from Tahlequah? A They called it a hundred miles.

Q You don't know how far it was? A No, sir.

Q Now, this place you are talking about living what town if any has been built up near that place since? A I don't know sir as there is any, I ain't been to the place since the war.

Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.

Q Have you ever been married before you married Murrell?

A Yes, sir.

Q Who was your husband? A Louin Vann, they called him in Cherokee, his name was Robert Vann in English.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Joe Vann.

Q Was Joe Vann an Indian? A Yes, sir.

Q Cherokee Indian? A Yes, sir.

Q Here in the Cherokee Nation? A Yes, sir.

Q How long were you and Louin Vann married? A Well, I don't know hardly just how long we was married.

Q Did you have any children while you were his wife? A Yes, sir.

- Q What are their names? A We had eight children, I haven't got but three living.
- Q Give me the names of these children? A Sonny Smith.
- Q Is that a man or woman? A He is a man.
- Q And what is the next one's name? A Charley Vann.
- Q What is the next child's name of the three living? A Lila Hopkins, she is married.
- Q Is that meant for Delilah or just Lilah? A Meant for both but we just called her Lilah.
- Q Is she married? A Yes, sir.
- Q Whom did she marry? A She married Oliver Hopkins.
- Q Where does she live? A She lives on Caney.
- Q In what Nation? A Cherokee Nation.
- Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.
- Q How long have they been married? A I don't know; been married long enough to have seven or eight children.
- Q How old is the eldest child? A I don't know, I think she is in her sixteenth year.
- Q Where was Lilah before she married? A She was living with me.
- Q Where did she live up to the time she was married? A With me.
- Q Where does your son, Charley Vann, now live? A He lives in about a half a mile from me.
- Q Where? A On Snow Creek.
- Q In what Nation? A Cherokee Nation.
- Q Is Charley married? A No, sir.
- Q What is his wife's name? A Her name is Kizzie.
- Q How many children has he got? A One.
- Q What is its name? A William Vann, she is a girl.
- Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.
- Q Where had Charley lived up to the time he was married? A Lived out here with me.
- Q Where did Sonny live? A He lived out home with me, when he was not working out.
- Q Where does Sonny live now? A I know not where.

BY COM'R NEEDLES:

- Q Flora, you say you never lived out of the Cherokee Nation? A No, sir.
- Q You were born a slave? A Yes, sir.
- Q Is your name on the roll of 1880? A Not as I know of.
- Q Why is it not on? A I know when they was taking the census of 1880, Rufus Ross taken them, he come up there, he didn't go up to my house, and mother went out and she come back and got me and when I got up there it was late in the evening and Rufus told me to come back the next morning and meet him at Cheuteau and he would put my name down and when I went there he was gone.
- Q Your name never did get down? A No, sir.
- Q Are you married to Murrell? A Yes, sir.
- Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of the applicants not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:

Page 170, #4184, Nelson Murrell, Coowassecooee District.
Page 125, #3101, Flora Murrell, no district given.

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The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W. Nelson Murrell, Cooweescoowee District
Page 128, #2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:

- Q You made a statement here about Rufus Ross taking the census roll in 1880? A I don't know what year it was, I don't know as I said when he taken the census.
- Q You don't know whether it was in 1880 then or not? A No, sir, I don't.
- Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
- Q Do you remember what year you were married to Mr. Murrell? A No, sir.
- Q Do you remember how long after the war? A No, sir, I don't.
- Q How old is Charley Vann? A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.
- Q Where was Charley born? A Born at Big Bend.
- Q Big Bend where? A It was up on the Arkansas.
- COM'R NEEDLES: Cherokee Nation? A Ut was Chereokee Nation then.
- W. W. HASTINGS: It was then? A Yes, sir.
- Q Where was Delilah born? A On the Arkansas river.
- Q Which is the older she or Charley? A Charley.
- Q How much older is Charley? A Oh, I don't know just exactly between two or three years.
- Q Where was Sonny Smith born? A He was born up on Bird Creek.
- Q Is he older or younger than the other two? A Yes, is the oldest child.
- Q Where were you living when the war come up? A I was living at the Big Bend.
- Q Were you then a slave? A Yes, sir.
- Q Whom did you belong to? A I belonged to Lewis Melton.
- Q Did Lewis Melton ever live in the Big Bend of the Arkansas? A No, sir.
- Q Well who were you living with out there? A I was living with my husband.
- Q Had you run off? A Yes, sir.
- Q How long had you been away from your owner? A About four years.
- Q Had you been living out there in the Big Ben all that time? A Yes, sir.
- Q You didn't go to Muskogee? A No, sir.
- Q Never went outside of the Cherokee Nation? A Well if you call the strip and one side of the Arkansa river that is where I was.
- Q What were you doing up there that four years? A I was hiding.
- Q How did you make your living? A My husband was a hunter and I had friends up therethat fed me.
- Q What friends did you know up there? A Dude Webber and Skiatook.
- Q Skiatookwho? A That is all I know I know about him.
- Q Was he colored? A He was a Cherokee.
- Q Full blood? A I guess he was, he talked Cherokee.
- Q Didn't talk any english? A No, sir.
- Q He fed you did he? A Yes, sir.
- Q Who else? A Wiley Butler.
- Q Was he a Cherokee? A Yes, sir.
- Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
- Q Is any of his family alive now? A I don't know sir.
- Q Is any of Skiatook's family living? A I don't know.
- Q Did you work for any people out there? A No, sir; you know I was not working for anybody out there and hiding.
- Q What was Dude Webber doing out there? A He was herding cattle

out there for his Mistress and I can tell you others that was out there.

Q What was his Mistress's name? A I don't know what his Mistress' name.

Q How far were you from her cow ranch? A It was right in the Big Bend.

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

Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.

Q On what side of the river? A I lived on the west side.

Q Any towns near? A Not as I know.

Q You never heard of any town? A No, sir, and I never wanted to see any at that time.

Q What was your husband's name? A Louin Vann in Cherokee.

Q He was out with you? A Yes, sir.

Q Well after the war closed did you come back? A I come right down the river.

Q In a skift? A I come back in a wagon.

Q From what point? A From the Big Bend.

Q Who brought you? A My husband brought me.

Q Just you and your husband? A And my children.

Q Where did you go to? A When I first come back I come down on Pryor Creek.

Q Is that below here? A I don't know whether it is below here; I think it is below here,

Q You know where Pryor Creek is, it runs over about 20 miles and I want to know what part of Pryor Creek? A I come down on Pryor Creek to Mr.; I can't call his name just now.

Q Well how far from Cheuteau? A I don't know sir, how far it was from Cheuteau.

Q What town was your nearest town? A When I came back?

Q Yes. A Wasn't any town there at all when I came back!

Q Don't remember who you lived with there? A I didn't live with anybody but my husband.

Q Did you make a place down there? A No, sir, I just went down there to my mother.

Q What was your mother's name? A Sarah Ross.

Q How long did you stay there? A I stayed there two or three weeks and went to the Verdigris.

Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly how long that was.

Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I madd down here I went to Ben Grimmetts.

Q Where was Ben Grimmett living then? A He was living on Pryor Creek.

Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.

Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.

Q And your husband? A Yes, sir.

Q He went with you? A Yes, sir.

Q In a wagon? A Yes, sir.

Q Where did you get this wagon? A I don't know he went out and got it.

Q You hadn't it there during the war? A No, sir; you never seen negros have wagons and horses about when they run off,

Q I am asking you where he got it? A My husband got it he went out and got it.

Q This first trip is when you come down to Ben Grimmitt's?

A Yes, sir.

Q How long did you stay? A I stayed all night.

- Q How long did you stay? A I went back to my cave.
- Q Howlong did you stay there? A I don't know exactly how long I stayed there when I went back.
- Q Well did you stay there a year? A I maight stayed a little longer than a year.
- Q That was after the war? A Yes, sir.
- Q Did you see anybody on your trip down to Ben Grimmitt's?
- A Oh, I seen some Indians but I didn't stop to have any chat with them.
- Q Did you see any tcolored people? A Yes, sir.
- Q Well who? A I didn't stop.
- Q Where did you see any houses? A Along yhe road between there and Caney, along.
- Q Caney that is up by Bird Creek? A Yes, sir.
- Q Houses along there? A Yes, sir.
- Q People living in them? A Yes, sir, I seen some children.
- Q Well, now, where did you go to from your cave after you returned there? A The last time?
- Q Yes. A I went down to Pryor Creek, mother had moved there and I went down there.
- Q And then how long did you stay down there? A I stayed about two or three years.
- Q That was two or three years after the war? A I said weeks, weeks is weeks, and years is years.
- Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three years.
- Q That is your best judgement? A To the best of my knowledge.
- Q You stayed there then two or three weeks did you?
- A Yes, sir.
- Q And then where did you go? A I went back to my place up on the Verdigris.
- Q Was your husband alive then? A Yes, sir.
- Q Did he move up on the Verdigris with you? A Yes, sir.
- Q Where did he die? A He died at Pryor Creek.
- Q When? A About five or six months after we got in.
- Q And you afterwards married Nelson Murrell?
- A Yes, sir.
- Q Is any of that family, Melton's family, alive that you belonged to before the war? A There was, I guess you had my young Mistress before you, had Nancy Sage.
- Q Is she your young Mistress? A Yes, sir.
- Q Was she the daughter of Melton? A Daughter.
- Q Did he have any other children? A Oh, yes, he had a house full.
- Q What was their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Mose and Susie.
- Q Where were they living when you run away? A Verdigris.

BY COM'R NEEDLES:

- Q Flora, what was your father's name? A Sonny Brown.
- Q What was your mother's name? A Sarah Ross.
- Q You were a slave? A Yes, sir.
- Q Where is this Big Bend you have been talking about?
- A Up on the Arkansas River.
- Q Is it in the Che4okee Nation or Kansas? A In the Cherokee Nation.
- Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
- Q That was in the Cherokee Nation? A Yes, sir.
- Q This cave was in the Cherokee Nation? A Yes, sir.
- Q You never went over to Kansas hiding then? A No, sir.

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Q You say you went there three or four years? A Yes, sir; I run away four years before the war.

Q Did your owners ever hunt you up? A I guess they did, they had a reward out for us.

Q They never found you? A No, sir.

(Remainder of Application taken by Stenographer M. D. Green.)

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

(Signed) J. O. Rossen

Subscribed and sworn to before me this 12th day of June, 1901.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 14th day of November 1904.

Charles H. Sawyer
Notary Public

Continuation of this case from notes taken by stenographer,
J. O. Rosson, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 6, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; BOB WEBBER, being sworn and examined by Commissioner Needles, testified as follows:

Appearances: Smith, of Mellette & Smith, for applicants;
W. W. Hastings, for the Cherokee Nation.

- Q What is your name? A Bob Webber.
Q Where do you live? A On Lightning Creek.
Q In what district? A Cooweescoowee District, Cherokee Nation.
Q What is your post-office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 65.
Q Do you know Flora Murrell? A Yes, sir.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Did you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.

Examined by Cherokee Representative, W. W. Hastings:

- Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, just before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes sir.

Examined by Attorney Smith:

- Q When did you first see her after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.

Examined by Commissioner Needles:

- Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to Big Bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir, she was scouting.

Examined by Cherokee Representative, W. W. Hastings:

- Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:

- Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 58 as well as I can guess at it.
Q Where do you live? A I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then come back in '66 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the time the war was coming up, we went up to where they lived. A They had a ranch up there, my old missus had a ranch and they always sent us up there to gather up cattle.
Q Your mistress had a ranch? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How far did you live from the ranch? A I couldn't tell you, it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when you saw her? A The last time
Q Yes? A She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Melton, her owner, lived?
A I don't know exactly, some ten or twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war? A I don't know just what year really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A On Big Creek here.
Q How far from here? A It is about nearly 15 miles, I judge.
Q Who did she come there with? A Man named Lowan Vann.
Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, W. W. Hastings:

- Q How old are you? A I am about 58, as near as I could remember, I don't know exactly my age.
Q You were about 17 years old when the war come up, or 18?
A I was big enough to ride around and herd cattle.
Q Who went up here to this ranch with you? A Bob Webber and Dugh Webber.
Q Bob was along at the time you saw this party, this Bob that was a witness here awhile ago? A Yes, sir, he was older then I was.
Q He would know dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A No sir.
Q You didn't tell your people? A Told my parents,
Q But you didn't tell anybody else about seeing her up there?
A No sir.
Q You didn't testify for her five years ago, you didn't tell it

Nelson Murrell et al 3 continued

then did you? A No sir.

Examined by Commissioner Needles:

Q You knew she was a runaway? A Yes sir, I knowed that all right enough.

Q But you didn't go and tell her owners where she was? A No sir.

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Karns-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence, - by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

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 June 8, 1901.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 14th day of November 1904.

Charles H. Samson
Notary Public.

(COPY)

File with Cherokee Freedmen D-548, Nelson Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., October 19, 1901.

In the matter of the application of Nelson Murrell et al.
for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name. A R. M. Allen.

Q Where do you live doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your postoffice? A Coody's Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation?

A I was in Paxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage

Q To a Cherokee? A To a Delaware.

Q Now did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware

Q Where was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to build this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel R. Hicks, and we went right up the Verdigris Valley

Q On what side? A East side, and I crossed Snow Creek right

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him? A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

MR. SMITH: What did you say your name was? A Allen

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to build that down called Parkersburg.

Q Did they build it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along down there.

Q Did they have any plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh it is 25 or 6 miles.

Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started in the fall of 1869 from Journeycake's, did you? A Yes, sir

Q Where did you? A I started from home.

- Q Where did you live? A I lived up at Coody's Bluff.
- Q How far was that from Journeycake's? A About four miles
- Q In what direction from Journeycake's? A North.
- Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir
- Q How did you travel? A I went horseback
- Q And was there a road to travel? A No, there was no road.
- Q Wasn't any road? A No, I didn't follow any road.
- Q Then did you cross Snow Creek? A Yes, sir I crossed it.
- Q Once or more than once? A I only crossed it once going up.
- Q And once coming back? A Yes, sir
- Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
- Q Well now how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
- Q Well, it is not the same distance from the Kansas line all the way along is it? A I don't know, I never followed up the Creek.
- Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
- Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
- Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
- Q And crossed the creek? A Yes, sir
- Q You didn't have to follow the Creek? A No, I didn't ~~mean~~ follow the Creek.
- Q You just simply crossed Snow Creek in 1869? A Yes, sir.
- Q Well now then you are not prepared to say that this applicant Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
- Q But you say you only touched Snow Creek at one point? A That is all.
- Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
- Q Up or down the Creek? A No, sir.
- Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
- Q Yes, sir, if a house had been out on the Prairie a quarter of a mile from me then days I could have seen it.
- Q Under favorable conditions you could have seen it? A Yes, sir
- Q That is all you know about this matter is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

MR. Davenport: What is your name? A Simon Love.

Q Where do you live? A Claremore

Q How long have you lived in the Cherokee Nation? A Ever since '68

Q Are you a Cherokee or a Delaware Indian? A Delaware

Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.

Q What was your father's name? A My stepfather's name was Buffalo

Q Well, did he have any English name? A Little Buffalo they called him.

Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.

Q What was your stepfather's name? A Little Buffalo.

Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about fifteen miles from Coffeyville Kansas.

- Q On what side of the Verdigris river did you locate? A The east side.
- Q How far from what is known as Snow Creek? A Six or seven miles I should judge .
- Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris river? A Yes, I don't know exactly where it empties then.
- Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.
- Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.
- Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.
- Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '68 he built our house.
- Q Do you know the applicant in this case, Nelson Murrell? A Yes sir.
- Q Well, how long have you known him? A I just can't tell how long. Do you know where he lives now? A Yes sir.
- Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.
- Q Where does the applicant live with reference to that? A Right north of it.
- Q About how far? A I can't tell you how far.
- Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.
- Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.
- Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.
- Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.
- Q Where were they living? A Living on Snow Creek.
- Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.
- When did they come in there and locate, if you know? A I don't know when they came in .
- Q Well, how long have you known that family? A Well I have known them quite a while.
- Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir
- Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.
- Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.
- Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really .
- Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards
- Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down .

MR. SMITH: Mr. Love, you and your family were among the first Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q That direction? A South.

Q Into what stream did Cedar Creek empty? The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the road ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there?

A No, sir.

Q What season of the year did you come to the Nation? A February.

Q When did you get a house? A Got a house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

A Been fifteen or twenty years.

Q Been longer than that hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? 33 years.

Q Well now, about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation; that you went to Connor's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know; you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the road where I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.

Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort?

A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.

- Q Then you were about a mile from the Verdigris? A Yes sir
- Q And about a mile from the place where Cedar creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
- Q When you had to go to Kansas what direction did you travel?
- A North.
- Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.
- Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.
- Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
- A Well I went after that carpenter that built the house.
- Q I mean outside of the carpenter and Clymore? A No, sir.
- Q So when you went to Clymore you crossed Snow Creek? A Yes, sir
- Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Luman Reed Crossing.
- Q Now do you know how far that is from the mouth of Snow Creek?
- A I should judge about a mile and a half or two miles.
- Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
- Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
- Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
- Q You can't swear he didn't live there? A No, I can't
- Q You can't swear there wasn't a house there? A I don't think there was a house there.
- Q Except at the place you crossed? A There wasn't any houses there.
- Q How about a mile up the creek or a mile down the creek? A
- A That I can't tell.
- Q You don't know, do you? A No, I don't think there was any houses.
- Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

- MR. Davenport: What is your name? A John Secondine.
- Q Where do you live? A Up at White Oake
- Q That your postoffice? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68
- Q What is your nationality, are you a Cherokee or Delaware?
- A I am a Delaware
- Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.
- Q Well, what year was that in? A When I first came here, that was in '67, in August.
- Q Well, when you came to the Cherokee nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.
- Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.
- Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.
- Q How long did you stay there? A Well, we stayed there as much as a week or ten days somewhere along there.

- Q Was there any houses around there? A No sir.
- Q Well, were you up and down the creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country .
- Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.
- Q Were you down the Creek to where it empties into the Verdigris?
- A Yes, sir
- Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there
- Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.
- Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.
- Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.
- Mr. Smith : You live out here close to Vinita now? A Yes, sir , I live at White Oak.
- Q About how long have you been living there? A I have been living there 16 years I believe.
- Q You related in any way to Journeycake? A Yes, sir.
- Q What relation? A Second cousin I believe.
- Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake's? A I lived six miles above, north.
- Q Six miles north of Journeycake's? A Yes, sir.
- Q How far from the Kansas line? A That is about twenty miles, somewhere along there I guess .
- Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.
- Q How far did you live from the Verdigris river? A Lived about three quarters of a mile.
- Q What direction, west or north? A East
- Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.
- Q Twenty miles from the mouth of Snow Creek? A Yes, sir
- Q Do you know a family in there by the name of Love? A Yes, sir
- Q Where did they live? A They lived up there below Gooseneck Bend, what they call now. there
- Q Up close to Verdigris river? A Well, they were right in the edge of the bottom, they lived right in the bottom when they first came down here.
- Q How far from the Kansas line? A I guess it must be about ten or twelve miles.
- Q How far from you? A Oh about 10 miles
- Q In what season of the year did you arrive in the Cherokee Nation? A Well, I think the 9th day of February
- Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.
- Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until the grass came up in the spring of '68.
- Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.
- Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.
- Q Now if I understand you, you came to the Verdigris River about '67? A I want you to understand this; we didn't move down in '67,

I came down here to look at the country.

Q Then what did you do? A I went back to Kansas

Q How long did you stay? A Well, we stayed a year.

Q It took you a year to look at the country? A No, we stayed about two months here.

Q Then, in '67? A Yes, sir, two months on the Verdigris

Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and Snow Creek.

Q Well, when did you stop on Snow Creek? A In '67

Q What time? A In August.

Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.

Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.

Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.

Q Then you was coming how long altogether, about two months?

A Two months.

Q Then you went back to Kansas? A Yes, sir.

Q How long did you stay in Kansas? A We stayed till- I left there in February, about the first of February.

Q What year, '68? A '68.

Q Where did you go? A Came down here.

Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.

Q How long did you stay in that part of the country where you first came to? A Well about two months.

Q About what time was it when you moved out of that neighborhood?

A It was about along the first of April, somewhere along there.

Q Then did you move to Grand River? A Yes, sir

Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.

Q Back in there again? A Yes, sir.

Q Where were you then? A I was over there about Coody's Bluff

Q Up about Snow Creek? A No, below there.

Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation?

A Well, I can't exactly tell, it is not very far.

Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.

Q You mean the mouth of Snow Creek? A Yes.

Q Then you camped right exactly on the Kansas line? A No, sir.

Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.

Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.

Q It has to be up Snow Creek if it was anywhere? A Yes.

Q Well you said you camped three miles from the mouth of Snow Creek

A Yes.

Q Then you were right exactly on the Kansas line, weren't you?

A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.

Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.

Q Well, there was a carpenter living there that built this fellow Love's house? A The Pellicars never moved here till '68.

Q You said you were back there in '68; what I am asking you about

you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well, you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek do you? A No, sir.

Q Can't say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date?

A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY MILTON, being duly sworn by Commissioner Needles, testified as follows:

MR. Davenport: What is your name? A Henry Milton.

Q Where do you live? A I live up on Snow Creek

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q Do you know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down near to Park Hill.

Q To your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't now, I can't tell.

Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nelse's young master, John Nave.

Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going a out towards Wagoner from from Park Hill? A Yes, sir.

MR. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

MR. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

MR. Davenport: Do you know who she run off with? A Yes sir, my woman will tell you that.

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Taking of testimony continued by Stenographer J. O. Rosson.

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Bruce C. Jones, being duly sworn says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 5th of November, 1904.

(Signed) T. Needles
Commissioner

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 5th day of November 1904.

Charles H. Sawyer
Notary Public

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C. F.-D #548, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:

Mr. Smith, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Mintie Melton.

- Q Where do you live, Mrs. Melton? A On the Verdigris.
- Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
- Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.
- Q Do you know his wife? A Yes, sir.
- Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
- Q Well, do you know where she was when the war broke out?
- A No, sir, I don't.
- Q Did she belong to the same parties that you belonged to?
- A No, sir.
- Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
- Q Was she a slave of the same parties you were? A No, sir.
- Q How far did she live from you? A 12 miles I think.
- Q Well, you say you don't know where she was when the war broke out? A No, sir.
- Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
- Q What was your father's name? A His name was Robert Vann was his name.
- Q Where was he when the war broke out, do you know? A No, sir, I don't.
- Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
- Q About when did you see him? A When did I see him?
- Q Yes? A I can't tell exactly when it was.
- Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
- Q Yes. A No, sir, they lived up here.
- Q I mean since you have moved up in this country? A Yes, sir.
- Q Is she the same woman you knew before the war? A Same woman.
- Q And you say you didn't know where she was? A No, sir.
- Q Was she with her owners that owned her when the war broke out? (No response.)
- Q Was she at their home? A Well, I don't believe she was right at home.
- Q Do you know where she was or what became of her? A I don't know where she was.
- Q Do you know how she come here, what the circumstances of it was?
- A I guess she went off.
- Mr. Smith: I object to what she says.
- Witness: She lives with Lewis Melton and I live on Caney.
- Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?
- Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.
- Com'r Needles: Let the objection be entered.

A She was at home and I was at home; I don't know where she went to and I never visited there.

Q Wasn't it understood by you that she and your father ran off together before the war and left the country?

Mr. Smith: I object to that.

COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.

MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.

MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.

Q You don't know what took place when the war broke out? A No, sir.

Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:

MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.

Q Did he belong to the same men you did? A No, sir.

Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.

Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.

Q Well, where was she when the war broke out? A I told you she was gone.

Q Do you know where Robert Vann was? A He must have been with that woman.

Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Masters.

Q Where did they go? A I don't know where they went.

MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.

Q Did you see him? A Yes, sir, and talked with him.

Q Did you? A Yes, sir, and hoped him get off that night.

Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.

Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.

Q And you think he had Flora over about Joe Vann's? A I don't know.

Q What did you say about Joe Vann? A I said I was there when he brought her there.

Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.

Q Have you told now all you know about this case? A Yes, sir.

Q Have you left anything for your wife to say? A No, sir.

MR. DAVENPORT: Just told the facts? A Yes, sir.

MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.

Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question? A Yes, sir.

Q The first time you were on the stand? A Yes, sir.

Q Did you say "I don't know, my old woman can tell you?" A I said-

Q Did you say "I don't know?" A No, sir.

Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Phillip R. Caesar.

Q Where do you live, Mr. Caesar? A Muskogee.

Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.

Q Where were you mustered out? A I was mustered out at Fort Leavenworth.

Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.

Q What part of the Territory did you come first? A First I came to Cherokee Nation.

Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow Creek.

Q How long did you stay in that vicinity there? A I stayed there only one season, one year.

Q What year did you come to the vicinity of Snow creek, Mr. Caesar?

A It was '67, Spring of '67 that I came.

Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.

Q Was there any improvements made by anyone around there?

A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.

Q How far was the improvements that you made from where Snow creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.

Q Short distance away? A Yes, sir.

Q Are you acquainted with the applicant here, Nelson Murrell, the gentleman who sits there, the old gentleman on the front seat?

A No, sir, I am not personally acquainted with him.

Q You are a citizen of the Creek Nation aren't you? A Yes, sir.

Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek.

Q That was before you left there? A Yes, sir.

Q Was there any Indians in that part of the country before you left?

A Yes, sir.

Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.

Q You did some work for him before you left there? A Yes, sir.

Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.

Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.

Q Were you on the north side, what I would call the north side of Snow creek, or south side; I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.

MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.

Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.

Q From the mouth of Snow creek? A Yes, sir.

Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name.

Q How far was that from the line of Kansas? A The exact distance I could not tell; it was not very far.

Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.

Q Well, when you left there did you leave for Chetopa? A When I left there?

Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.

Q How far did you live from Snow creek? A I raised one little crop on Snow creek.

Q When did you get there? A Along in the spring, about February or March.

Q Did you have a family? A No, sir.

Q Where did you live? A I lived right in a house with a man by the name of Steve Little.

Q Lived in Little's house? A Yes, sir.

Q About a mile or mile and a half from Snow creek? A Yes, sir.

Q Did you live right on the bank of Snow creek? A No, sir.

Q How far did you live? A Somewheres about a mile from the river.

Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.

Q Now, how long is Snow creek? A I don't know.

Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas?

A I don't know.

Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.

Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.

Q So you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.

Q Well, as a matter of fact you don't know anything about it then you didn't see anybody living there except those you have mentioned? A No, sir.

Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.

Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.

Q You don't know how long those families had been there in that part of country? A No, sir.

Q Where they came from? A No, sir.

Q Don't know anything about it? A No, sir.

Q How long were you in the army? A In the army about two years and two months.

Q Where did you join? A I joined about the 9th of August.

Q What year? A '63.

Q And how long were you in the army you say? A I was in the army two years and two months somewheres about that.

Q What time did that let you out? A I got out in September, well in about, I was discharged in September, '65.

Q Where were you when you were discharged? A Fort Leavenworth.

Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.

- Q Well, how many years? A Well, from '65 until '67.
- Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.
- Q How long before you got in the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from one country to the other.
- Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
- Q Don't you know when it was you first went to the Creek Nation? A No, sir.
- Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
- Q When? A I was in the Creek Nation in the limit, the 12 months.
- Q Twelve months from when? A From April the 13th or 16th I suppose.
- Q April 16th, what year? A From the passage of the treaty.
- Q When was that? A '67, April, '67.
- Q When you worked for Love where did he live? A Cherokee Nation.
- Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
- Q Just started; well, was it a house or not? A House I suppose.
- Q Don't you know, don't you know a house when you see it? A Yes, sir.
- Q Was it a house or not? A Yes, sir.
- Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
- Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.
- Q Do you know who built his house? A No, sir the house was there when I went there.
- Q Do you know anything about a carpenter before that time that lived up on Snow creek and built Love's house? A I don't know.
- Q Wasn't any living up there? A I don't know.
- Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
- Q People lived around there that you didn't know anything about? A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #923, #788 and #994.

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

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foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this October 26th, 1901.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 14th day of November 1904.

Charles H. Samps
Notary Public.

R.

C. F. D-548.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Nelson Murrell for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

Mellette & Smith? attorneys for applicant.
W. W. Hastings, attorney for the Cherokee Nation.

CLIFTON T. RUCKER, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A Clifton T. Rucker.
Q What is your post office? A Fort Scott Kansas.
Q What is your age? A ~~Sixty-five~~. Sixty-five.
Q How long have you been a resident of the State of Kansas?
A Forty-five years the 7th day of last October.
Q Where did you live when the war closed?
A I lived just west of Fort Scott.
Q About how far? A About five miles.
Q Live in the country? A Yes sir, on the farm.
Q Were you married at that time? A Yes sir, I was not when I came to Fort Scott.
Q Did you know a colored man up in that country by the name of Nelson Murrell? A Yes sir.
Q Do you know his wife? A Yes sir, I know his wife.
Q Do you remember her name?
A Don't know as I ever heard, don't recollect.
Q About when did you first learn to know Nelson Murrell?
A In the fall of 1866, September, I think it was.
Q How far was he living from you at that time?
A I guess he was living about a mile or a mile and half. I didn't know at that time, but I learned afterwards, that he lived about a mile east of me.
Q Did he ever do any work for you?
A Yes sir, he worked for me digging potatoes
Q When was that? A In the fall of 1866, September.
Q See him after that time?
A Yes sir, in the spring of 1867 I saw him, at different times, and during the summer.
Q During the summer of what year? A 1867.
Q When was the last time you saw him up there?
A The last time I recollect was in the spring of 1868
Q He had a wife, but you don't remember her name?
A No sir, I don't.
Q Did you see him at different intervals along in 1867? A Yes sir
Q Do you know whether he worked for you any in 1867 or not?
A I don't think he did. I had moved to Marmaton, a little town a mile and a half or two miles west, and a little north--
Q In 1866 or 1867? A In 1867.
Q That is when you moved?
A Yes sir, then Nelson moved west and northwest from what we called the Bend, it goes by the name of Hells Bend.. Moved up to a place known as Todd's Place. I was there in 1867.
Q About what age man was he?
A I would take him to be about eight or ten years older than I was.
Q How old are you? A About 65. That would make him 75.
Q Guessing at it? A Yes sir.

Q Do you know where he claimed to have lived before the war?
A I think he told me. I would not be positive. My impression is that he had been in the Nation, and that he was going back to the Nation.

Q Did he say anything to you about coming down?
A Yes sir, he said if I would come down there he thought he could make it interesting. He said I would get some benefit out of it, that I could keep stock there.

Q When was that? A In the spring of 1868, if I remember.
Q Have you ever seen him down here?
A No sir, I have not, not as I know of.

Q What was he doing up there when you saw him, in 1866 and 1867?
A Farming. I could not say what he was doing in 1866, but in 1867 he was farming on this place of Mr. Todd's.

Q Did you know Joe Ross, a colored man?
A Yes, I know him, but could not say that I remembered him until I heard his name called again. I could not say that I remembered positively, but I can describe the man he was at that time.

Q Do you know who his wife was? A Said to be Nelson's daughter. That is what she told me.
Q His own daughter? A That is what she said. She worked for my wife.

Q Do you remember when she worked for your wife?
A In 1867, and in 1868, I think. She done washing for her.
Q You don't remember his name?
A No sir, Only what I have heard. I didn't remember the name, but I was told that was his name, that same man that I knew on the place his name was Joe Ross, and his wife was named Sarah. I could not say positively, but that is what I have been told. The name had slipped my memory. She claimed to be a daughter of Nelson Murrell.

Q You knew this fellow up there for the same length of time that you knew Nelson Murrell? A Yes sir.
Q Married into his family? A Yes sir.
Q His wife was Sarah? A Yes sir.

MR. BELLETT: Your name is C. T. Rucker? A Yes sir.
Q How old are you? A Sixty-five past.
Q Have you ever been a witness in this case before? A No sir.
Q When were you first asked as to what you remembered about Nelson Murrell. A I think it was week before last.
Q What were you asked about?
A Asked about some colored fellows, about some other case, and I told him who I knew.
Q How long has it been since you remember of seeing Nelson Murrell, how many years?
A From about 1866, that would make it about 34 years.
Q Did you ever have your attention called to the last time you seen Nelson Murrell up to a few weeks ago?
A Yes sir, often talked about it.
Q What made you remember Nelson Murrell?
A The first thing, he was a good hand to work. I was speaking about digging sweet potatoes, and I had some fine ones that year, and I remembered about him digging sweet potatoes.
Q You told lots of people about Nelson Murrell digging sweet potatoes in 1868? There was no reason why you should remember when you last saw him, was there? A No, nothing particular.
Q He was a colored man? A Yes sir.
Q He worked for you very little? A Very little, but I saw him at different times.
Q How much work did he do for you? A Worked several different times.
Q What year? A In 1866.
Q Several times in 1866? A Yes sir.
Q You are certain about that? A Yes sir.

Q What month? A September.

Q You remember back 34 years and remember the month he worked?

A Yes sir.

Q Can you remember everybody you saw during the month of September, 1866? A No sir, I can't remember every fellow.

Q Why can't you?

A My attention was not called to it. My mind was not on it.

Q Do you recollect every person that you had seen during the month of September, 1866? A No sir. I can remember Nelson Murrell, because my attention happened to be called to him, being a colored fellow.

Q Just worked for you a few days? A Yes sir.

Q Anybody else work for you in September, 1866? A Yes sir.

Q Who? A My brother-in-law, Bill James, I think that was the only one.

Q Will you swear that you didn't have anybody else working for you that year? A To the best of my knowledge I did not.

Q You ought to remember now. You say Nelson Murrell did work for you? A Well, I heard the fellow's name mentioned, and I remembered.

Q Where did you live in 1866?

A On the farm a little west of Marmaton.

Q Where was Nelson Murrell in 1866? A In Marmaton.

A I am only giving what I was told. In Hell's Bend, west of Fort Scott. That's the name they gave it.

Q You don't know of your own knowledge? A No sir.

Q You don't know whether he was in the Territory or not? A No sir.

Q Now at the time you knew him in 1867, did you watch him all the time? A I didn't watch him.

Q Was he absent during that year? A I could not say that.

Q You don't know whether he was absent from that country during the year 1867 or not? A No sir.

Q He might have been absent? A Might.

Q You don't claim that you watched him all the time? A No sir.

Q You didn't work with him in 1867? A I don't think I did.

Q Where did you live in 1867? A Marmaton.

Q Where did he live? A On John Todd's place.

Q What makes you think that? A I saw his family there.

Q When did you see them there? A In 1867.

Q When? A Along in the spring of that year.

Q What month? A I don't remember the month, it was after the winter was over.

Q It must have been February? A No, later.

Q March? A About April or the first of May.

Q You will swear it was April or the first of May?

A I would not swear positively.

Q You are positive you saw him either the last of April or the first of May? A Yes sir.

Q You remember back 34 years of seeing that colored fellow there himself in April or the first of May, 1867. A Yes sir.

Q You are positive? A Yes sir.

Q Can't be mistaken? A Can't be.

Q You don't know the name of his wife? A No sir.

Q Why can you remember about seeing them there the last of April or the first of May? A I saw Nelson in 1868.

Q I am talking about the family? A Because his daughter washed for my wife.

Q When? A Right along.

Q What week did she wash for your wife during May, 1867?

A In the first week in May, 1867, I think it was. I think she quit ~~xxx~~ shortly after that.

Q She washed the first week in May, 1867, thirty-four years ago, and that she quit shortly after that? A Yes sir.

Q What makes you think that?

A Because my house got burned, and she washed for us right up to that time.

Q When did your house burn? A On the 8th day of May.
 Q She washed for you right up to the time the house got burned?
 A Yes sir.
 Q Washed for you before that? A Yes sir.
 Q Did she wash for you in the month of April? A I think she did, my memory is not clear.
 Q Who was it washed for you?
 A Said to be this here Nelson's daughter, and wife of this here, well, I had forgotten his name, he claimed to be Joe Ross. I did not recollect the name of Joe Ross until my attention was called to it.
 Q You have never seen Nelson Murrell since 1868?
 A No sir, not that I know of.
 Q You don't know whether the Nelson Murrell that you said to know is the Nelson Murrell that has applied here?
 A I don't know that.
 Q You don't know Joe Ross, and don't know whether it is the same man?
 A I knew him, but it had slipped my memory.
 Q You don't know whether you would know him by sight or not?
 A No sir. I have a pretty good recollection and description of the man.
 Q How many times did you see Nelson Murrell during 1867? up there in Kansas?
 A I could not say. Might have seen him a dozen times, may not more than three or four times. I never paid much attention to it.
 Q Any reason why you should pay any attention to it?
 A Nothing at all.
 Q He didn't work for you in 1867?
 A I think he wanted to do some cutting and sawing wood.
 Q This man, come to the house in 1867? Did he ask you to saw wood?
 A Yes sir.
 Q Where was that? A At Marmaton.
 Q Come to your house? A Yes sir.
 Q What day? A I could not tell you that.
 Q What week? A I think it was the first of May-- no, sometime along in February.
 Q You said the first of May? When did he come to you and ask to saw wood? A I could not tell you.
 Q You said awhile ago the first of May?
 A That is the last time I had any work gotten out at that place. I didn't give him any work to do sawing wood.
 Q How far is that from the line of the Cherokee Nation?
 A Just be about sixty miles.
 Q You don't know whether he came to the Cherokee Nation during that time? A I do not.

B. F. FORTNEY, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A B. F. Fortney.
 Q Where do you live?
 A I live eight miles west of Fort Scott, on the farm, in Bourbon County, Kansas.
 Q What is your age? A I am sixty-seven years old, past.
 Q Where were you born? A Virginia, now West Virginia.
 Q Where were you during the war?
 A In Illinois. Part of the time in Warsaw, and part of the time in Quincy. Two years in the army, in the regular Quartermaster's service.
 Q When did you go to Kansas? A November, 1867.
 Q What place did you go to? A To the place I now live on, Marmaton.
 Q How far from Marmaton? A Two miles out of it, on the road to the County ~~house~~ seat.
 Q Did you know a colored man up there by the name of Nelson Murrell?
 A Yes sir.

Q When did you first become acquainted with him?
A Met him there in November, 1867.
Q Did he have a family? Nelson Murrell? A Yes sir.
Q Wife? A Yes sir.
Q Do you remember her name? A We called her Aunt Liza.
Q How long did you know Nelson Murrell there?
A All of one year, and part of another.
Q Did you know him the next year, 1868? A I knew him in 1868.
Q How far did he live from you?
A About eighty rods, or ninety rods, a quarter of a mile we called it.
Q Did he ever do any work for you? A Yes sir.
Q What kind of work? A General farm work, harvesting and helping about the farm.
Q Did you run a reaper in 1868, the next year after you went there?
A Yes sir.
Q Did you do any work for Nelson Murrell. A Yes sir.
Q What? A Cutting his grain, hay, grass or rather, cutting his grass to make hay. I harvested his wheat for him, and some oats.
Q During that time did you have occasion to see him frequently, he and his family?
A Every day. Just like living across the block from one another. Could see some of the family every day.
Q Ever miss him from there any considerable length of time during that time?
A I don't remember that my attention was called to his absence.
Q Did you ever see Nelson Murrell in the Cherokee Nation? A Yes.
Q Where? A I think some nine miles from Coffeyville out on the Verdigris River.
Q Is that the same Nelson Murrell that you knew in Kansas?
A It was, yes sir.
Q Did you know a colored man by the name of Joe Ross? A Yes sir.
Q Was he married man?
A He was so reported. He lived with a woman he called his wife.
Q Do you know her name?
A Believe it was Sarah, would not state positively.
Q Do you know what relation, if any, she bore to this other family?
A It occurs to me that she was a step-daughter of Nelson Murrell's. I was so informed by the family.
Q Was Joe Ross living up there when you came to Kansas? A Yes sir
Q How long did he continue to live there?
A Not so long as Murrell.
Q He had gone before Murrell? A Yes sir, I don't know where he went.
Q About how long after you came there before he went away?
A I don't know whether he went in the spring, summer or fall of 1868, but he absented himself anyway, during that year. I think it was during that year 1868. It might have been later, might have been in 1869. I think it was sometime during 1868. I have nothing to call my attention to it, as he did not work for me any that I now remember of.
Q Nelson Murrell did work for you?
A Yes sir, and I worked for him.
Q This is the same Nelson Murrell that you saw down near Coffeyville in the Cherokee Nation? A The same man.
Q You never was around Marmaton before the fall of 1867.
A Never in a hundred miles. I was in Kansas city, but never in that part of Kansas.
Q You know Mr. C. T. Rucker? A Yes sir.
Q Did you know him in Kansas?
A He was living in Kansas, and I being a single man I boarded with him part of the winter of 1867-68.

MR. BELLETT: How far is it from where you used to know Nelson Murrell, in 1867, to where you saw him in the Cherokee Nation?

A I am not acquainted with it. I don't know how many miles it is from Bourbon County over to Coffeyville. It is probably eight or nine miles through Bourbon County.

Q Is it fifty miles from where you lived there in 1867, in Kansas, to Coffeyville?

A Probably a hundred miles or more.

Q What do you think about? A I don't know very much about it. I would say a hundred miles anyway.

Q Is Coffeyville the nearest point to the Cherokee Line from where you live? A No sir.

Q What is the nearest place? A A straight line projected would be the nearest place.

Q Where would it strike the Cherokee Nation?

A I believe about fifteen miles east of Chetopah.

Q Is Bourbon the second county from the line, the Cherokee Nation line.

A The third county, I believe.

Q How far are these counties across? A I think about 25 miles. Cherokee County is the first, probably a little over 25 miles; then Crawford County, then Bourbon County.

Q You don't know where Nelson Murrell was in 1866? A No sir.

Q Did you watch him very closely after you got acquainted with him? A No sir.

Q Do you know whether he was absent from that country for any particular length of time or not? A No sir, I do not.

Q He disappeared from there shortly after you went there?

A Yes sir, he moved away.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-542, D-544, D-549, D-551, D-799, and in the case at bar.

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

Wm. Hutchinson

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C. F. D. 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

APPEARANCES:

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKEMS, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A W. H. Nickems.
- Q What is your age, Mr. Nickems? A 64.
- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Yes, sir.
- Q Where were you living when the war closed? A When it closed?
- Q Yes, sir, say in '65? A I lived five miles west of Scott.
- Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
- Q Were you married then? A Yes, sir.
- Q Living on a farm? A Yes, sir.
- Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
- Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '65.
- Q Was he living in the country or in town? A He was living in the country.
- Q On whose place, do you remember? A On Isaac Allen's place.
- Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
- Q Did you know Joe Ross? A Yes, sir.
- Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.
- MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.
- MR. HASTINGS: Well, you knew him anyway? A I knew him.
- MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.
- MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
- Q And he lived around there somewhere? A He lived, he stopped---
- MR. SMITH: I object to that because it is a leading question.
- WITNESS: He stopped there where his father-in-law lived.
- MR. HASTINGS: How long did you continue to know Nelson Murrell, how long did he live on that place, Allen place? A I think he moved in '66, about the first of the year, it might have been that it was a little later or a little earlier.
- Q First of what time? A '66.
- Q Of '66? A It might have been that it was just the latter part of '65 that he moved; I knew that he lived there right on the same place till he moved.
- Q And where did he move to? A He moved about four miles and a half west of me on a farm that was known by John Todd's farm.
- Q Did you live between him and town at that time after he had moved?
- Q Yes, sir.
- Q Did you ever have occasion to see him after that time? A Yes, sir, I see Nelson after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.

Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.

Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I didn't have seen him later than that.

Q You might have seen Nelson Murrell later than that? A Why I might have.

Q That's as late as you remember? A Yes, sir.

Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.

Q Do you know where he claimed he was from? A He claimed he was from the Nation.

Q How far was that from the Cherokee Nation? A Which?

Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.

Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.

Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.

MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.

How about Joe Ross? A I saw him in '67.

Q Which was the older of the two men? A Nelson.

Q Was he a married man or a single man, Nelson? A Married man and that was my understanding.

Q Well, did you know his wife? A No, sir.

Q Don't know what her name was? A Do not.

Q Then have you been living now ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.

Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.

Q Do you remember when all of them left or when each one left?

A I don't remember just when they left there, there is quite a good many of them that I know.

Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.

Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.

Q He may have left there sometime during the year of '65? A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.

Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I know where he lived where they said he lived, I don't know just where he was.

Q You don't know where he lived except from what was said? A Oh yes, sir, I knew where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I knew of from '65 to '67.

Q Were you ever on the John Todd farm when he lived there? A Yes, sir.

Q Well, can you see his house? A Yes, sir.

Q Well, A I used his house.

Q Well, didn't you know him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.

Q Well, was just your understanding; you didn't know it personally?

Q Well, if I used them about the place, I know them well enough when I was passing there, I knew them when I seen them.

Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.

Q Well, who did you see? A I see Nelson there.

Q Well, did you see the family? A Yes, I have seen the family.

Q Well, you didn't know his wife? A No, sir.

Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.

Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.

Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.

Q What is your occupation? A Farmer.

Q Live in Kansas? A Yes, sir,

Q Lived there ever since the war closed? A Yes, sir.

Q Well, now, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.

Q Well, did Nelson work for you? A No, sir.

Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.

Q Well, Mr. Nickens, how long had it been since Nelson Murrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the date, how long had he been gone? A Why I don't recollect, my recollection is just what I knew about the folks.

Q Well, nothing was said so you one way or the other about the time he left until a short time ago, was there? A Why I knew what time, because the last time I seed him, I don't pretend to say that he left, but the last time I do say that I saw him was in 1907.

Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many.

Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.

Q Well, then, if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about these folks, because there were parties of those folks that worked for me.

Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir.

Q Who did you first talk with about Nelson Murrell twenty-eight or thirty years afterwards? A The first talk I had was last fall I believe in regard to Nelson.

Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.

Q Scott, Kansas? A Yes, sir.

Q Well, you didn't remember then just when Nelson had left there the first? A I know that he left there in '67.

Q What year? If you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '65, and I don't know in '66, my recollection is good enough to know when I saw

a man at that time why I don't forget it.

Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.

Q Now about thirty years afterwards you just remember, do you, whether he had left there in '65 or '67? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '67 and I saw him in '68.

Q You had nothing to fix that on your memory just except your general-- A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.

Q Well, now, tell me how Ross kept you posted about Nelson Murrell?

A Well, Ross worked for me once, swapped horses with him at one time.

Q Joe Ross? A Yes, sir, Joe Ross.

Q Well, is that all--is that the only time you ever swapped horses up there? A Oh no, no.

Q Who else did you ever swap horses with? A I don't know, I used to trade horses considerable.

Q Can't tell all the people you traded with? A Could tell part of them.

Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '65 it was trading part of this country.

Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)

Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.

Q Do you remember when the Commission sat at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.

Q Where were you last October? A Where was I? I was at home, sir.

Q Was that about the time that they were talking to you about this case? A I don't recollect.

Q Well, do you know whether it was earlier or later? A I think it was along in the fall.

Q You don't know whether it was earlier or later than October?

A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jasper Fortney.

Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.

Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.

Q What your postoffice? A Yes, sir.

Q Do you live right in town? A Yes, sir.

Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 6th day of April, 1868.

Q How far from Fort Scott? A Eight miles.

Q What direction? A West.

Q How far was that from either the town or the river at Harrison? A Two miles from the Bend out there, one mile from the river; the river runs in a northwest direction there.

Q Did you know a man by the name of Todd? A John Todd, yes, sir.

Q Did he own a farm out there? A Yes, sir, several of them.

Q Did you know a colored man by the name of Nelson Murrell? A

You, sir.

Q When did you learn to know him? A The year of 1868.

Q How soon after you landed there? A Oh I should say, speaking at random, immediately.

Q Immediately? A He lived a quarter of a mile west from where we

Moved to.

Q On whose farm? A On John Todd's farm.

Q Do you know Joe Ross? A Yes, sir.

Q Where did he live? A He lived in the same house with Nelson Merrell.

Q How long did you continue to know Nelson after you located there? A Until the fall of the year '68.

Q Fall of the year '68? A I think that is the time, sir, that is the best of my remembrance.

Q Make a crop there on Todd's place? A Yes, sir.

Q Both years of '68 and '9? A I think so.

Q Did you know his wife? A Yes, sir.

Q Do you remember her name? A Merrell's wife?

Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.

Q Did you know Joe Ross's wife? A Yes, sir.

Q What was her name? A Sarah.

Q They lived there together? A Lived in the same house.

Q Do you know what became of Merrell, this Nelson Merrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.

Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.

MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.

MR. HASTINGS: You only heard of that? A Only heard about it.

Q Through whom did you hear it? A Through my brother.

Q Did your brother know him up there? A Yes, sir.

MR. SMITH: I move to strike that out, being hearsay.

MR. HASTINGS: It is a circumstance by identification.

Q He lived in about a quarter of a mile did you say of you? A Yes, sir.

Q Were you married at the time you moved there? A Yes, sir.

Q To your present wife? A Yes, sir.

Q She is here with you? A Yes, sir.

Q Did Merrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Merrell would help on our farm and help when we needed help, and his wife helped our women with the housework.

Q Where did you come from to Kansas? A West Virginia.

Q And you weren't in Kansas then prior to April, 1868? A No, sir.

Q And you got acquainted with Nelson Merrell after that time? A Yes, sir.

Q That is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.

Q Little past that age? A I am not able to.

MR. SMITH: Well, this man Merrell that you speak of, you don't know where he was of course in '65? A No, sir.

Q Nor '66? A No, sir.

Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.

Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.

Q Didn't own any farm there did he? A No, sir.

Q Well, what kind of work was he doing? A Farm work.

Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.

Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.

Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.

Q Well, what kind of work did his wife do for your family? A Worked by the day, ~~usually~~, sir.

Q What did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.

Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.

Q Now what was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.

Q How old was she at that time? A How old was she?

Q About, yes, sir; was she a young woman, or middle-aged or old?

A Middle-aged I would say, 40 or 45 years old.

Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they worked there continuously for nearly two years, residing there.

Q Well, how far did they live from you? A About a quarter of a mile.

Q During two years? A We come there on the 6th day of April, 1868 and they were there I think late in the fall of '69.

Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.

Q On whose farm? A John Todd's.

Q Well, what were you doing at that time? A I was farming.

Q How long did you continue to farm? A After that?

Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.

Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.

Q On what farms? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.

Q Was Merrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.

Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.

Q Well, why do you say he resided there all of the time? A His family was there, that was his home.

Q It was because this woman whom you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.

Q Was he an old man or a young man? A I would think he was near 50 years old.

Q Then? A At that time, 45 to 50, somewhere along there.

Q Have you ever seen him since he left there? A No, sir.

Q You don't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.

Q Did he always go by the name, the man you knew, by the name of Nelson Merrell? A As far as I knew he did, yes, sir.

Q You never knew him by any other name? A No, sir.

Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.

Q What did he tell you? A Nelson Merrell.

Q I thought your brother— A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.

Q The did he say it to? A Said it to me.

Q Then? A Just before he came down into the Territory.

Q Well, who came with him if any one? A Joe Ross, his son-in-law, and family.

Q What about the woman Aunt Liza, did she come? A Yes, sir.

Q Now when did you say that was? A Fall of '69 I think, sir.

Q The fall of '69? A Late in the fall of '69 that they came down

to this country or to the Territory, I won't say this country.

Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Murrell had grown a crop, grown on John Todd's farm, in '69, and my brother and I helped to harvest it and helped to thresh it, and so on.

Q In '69? A My brother cut the harvest for him; I helped in the field as a harvest hand.

Q When did you first think about the time he had left afterwards, how many years had it been? A I don't know that, sir, I don't know when I first thought about it.

Q Well, you have had some conversation about it since I suppose?

A Not until--nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.

Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.

Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '96, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.

Q Were you a witness then at that time? A No, sir.

Q Well, not when you first were asked about what you know about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Murrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.

Q Well, was the inquiry with regard to Murrell, as you state, or Murrell; you said Murrell as I understood you? A Well, sir, Nelson Murrell.

Q How would you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.

Q Well, would you say that it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-u-r-r-e-l-l.

Q Then you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.

Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.

Q Well, how would you get Merrell out of M-u-r-r-e-l-l? (No response)

Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '69 and 30 would be '99; yes, sir, thirty years, over thirty years since he left there.

Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.

Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date?

A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.

Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.

Q Well, in what way now were you able to arrive at this particular

date thirty years after it happened? A Simply by my own remembrance, that is all.

Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.

Q You don't think you could be mistaken about it? A No, sir, I think not.

Q How was that? A I think not.

Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.

Q That's the best of your recollection at this time? A Yes, sir.

Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?

A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.

Q How many colored people do you suppose left that country since you went there? A I don't know.

Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.

Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them, seen them.

Q Then you couldn't tell about the time when the majority of them went away? A No, sir.

Q That time in the year did you arrive there yourself? A 6th day of April, 1868.

Q Who did you bring with you? A Brought my family, and my father and his family.

Q Your wife and your own family and your father and his family?

A Yes, sir.

Q Never moved away from that immediate country afterwards? A No, sir, I have lived in that county ever since.

Q Well, did you ever do any civil engineering after you went there?

A Yes, sir.

Q About when? A Several times in my time; worked for this railway, some for the Gulf Railway, we called it the Memphis, the Trisco it is now, and the Missouri Pacific Railway Company.

Q Commencing about how long after you went to that county? A I was county engineer elected in 1888, and was the county engineer for four years, and deputy engineer for four years more, did the work.

Q Well, up to that time had you done anything except farm work?

A No, sir, very little civil engineering prior to that time.

Q Did Foss and Murrell live there together? A Yes, sir.

Q See them start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.

Q What did they take with them? A Took their families with them.

Q What else? A What little stock they had I think.

Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.

Q Didn't seem to be much of a job for them to move did it? A They came in wagons, had two wagons I think.

Q Had two families? A Had two families.

Q Took one wagon to move that one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VASHEY FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Vashey Fortney.

- Q What is your age, Mrs. Fortney? A 62.
- Q Is Mr. Fortney, who just left the stand, your husband? A Yes, sir.
- Q Is your postoffice is Fort Scott, Kansas? A Yes, sir.
- Q Do you live in town? A Yes, sir.
- Q Where were you born? A West Virginia.
- Q Were you living in West Virginia during the late Civil War?
- A Yes, sir.
- Q Were you married before or after the war? A Married just before the war broke out.
- Q When did you come to the State of Kansas? A The spring of '68.
- Q Your husband come with you? A Yes, sir.
- Q Where did you first locate? A Near Marnaton.
- Q In the country? A Yes, sir.
- Q On a farm? A Yes, sir.
- Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
- Q Did you know his wife? A Yes, sir.
- Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
- Q Did you know his wife? A Yes, sir.
- Q About how far did they live from you after you located there?
- A Well, I would say about a quarter of a mile just guessing at it.
- Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.
- Q Were they living there when you moved there? A Yes, sir.
- Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
- Q Of '69? A Yes, sir.
- Q Live there on this same place where you found them? A Yes, sir.
- Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.
- Q That was out in the country was it? A Yes, sir.
- Q Did you know where they went when they left there or where they said they were going? A Well, I know what they said, they said they were going to the Nation, and further than that--
- MR. SMITH: I object to that, I want to know who said that.
- MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.
- Q Was that while they was making the preparations for their removal? A Yes, sir.
- MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.
- MR. HASTINGS: These are the same parties.
- MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.
- MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.
- MR. SMITH: That question is objected to.
- MR. HASTINGS: You never saw them after that time? A No, sir.
- Q Did the women folks work for you? A Yes, sir.
- Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.
- Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.
- Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.
- Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.
- Q You don't know what the relationship was? A No, sir.

Q Did you see them frequently? A Yes, sir.

Q Could you see their house from yours? A Yes, sir.

Q Plain sight? A Yes, sir.

Q Across the field was it? A Well, we would have said down the road.

Q You came to Kansas from West Virginia in the spring of '68? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.

Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.

Q Well, then at that time did you have any recollection as to when they left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. That I know, of course I am just telling you what I know.

Q Well, what I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.

Q That was about how long; something over thirty years after they had come away, wasn't it? A Thirty years.

Q Something over that I say? A Well, now, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.

Q Well, now, during all that time did you keep it in your mind that they left there in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away, I don't know just exactly, I am not positive as to the time they left just exactly.

Q Well, are you positive as to the year? A Yes, sir, I am.

Q What time in the year did you get there? A The 24th day of this present - in April.

Q You never have seen that man Murrell since that time? A No, sir.

Q Nor Ross? A No, sir.

Q You don't know whether they are the same persons who are applying at this time for admission or not? A I don't know, did you say?

A I don't know; well I presume so.

Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Essu Fox, F. D-508; and Steve Looney, F. D-519; together with the cases in which the testimony of these last forementioned cases is thrown, which are as follows: D-550, D-552, D-752, D-923, D-473, D-475, D-544, D-549, D-551, D-799, D-541, D-540, D-643, D-545, D-838, D-547, D-537, and D-821, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular case upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had a^d filed upon the attorneys or the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-544, Steve Looney, D-518, and Esau Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Two Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of April, 1902.

J. K. Rauter
Notary Public.

sister Mr. Brooker had talked to you as to whether you knew Nelson
to what you knew and then we corroborated; you came through corroborated
Q You come as my other witness sister you had been talked to as
never heard of my corroborated.

Q I never heard of the substance of talking to what the witnesses A I
never saw there and I corroborated given you that there was no corroborated
for the substance of the substance Nelson was against the substance
Q Was there anything else for you about there being any corroborated
Q You was then corroborated, was you not? A Yes, sir.

Q I never heard of that talked to what I corroborated about it.
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 29, 1902.

In the matter of the application of Nelson Murrell et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

- MR. DAVENPORT:** What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
Q Do you know how old you are, Simon? A I do, sir, about, near about it.
Q Well about how old do you think you are? A Going on 61, on the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon? A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war? A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted with a colored fellow by the name of Murrell? A I got slightly acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first name was; I got acquainted with him slightly, just passing by him coming in.
Q Did you know where he lived? A No, sir, I never did know where he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

- MR. DAVENPORT:** What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your postoffice? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65, since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Kansas did you get acquainted with a colored family by the name of Murrell? A Yes, sir.
Q Do you know what the first name of the man was? A I think his first name slipped my mind. Nelson Murrell, Nelson Murrell I think was his name.
Q Where was he living when you first got acquainted with him? A On John Todd's place.
Q Where is that from Fort Scott or Marmaton, Kansas, now, how far? A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.
Q You say he was living on John Todd's place? A Yes, sir.
Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.
Q Well, that's what I mean; was he keeping house? A Yes, sir.
Q And lived on John Todd's place? A Yes, sir.
Q What were the circumstances of your getting acquainted with

him that you remember him that well? A Why I went there to break prairie for John Todd.

Q They had a man on this place; he was living there? A Yes, sir.

Q Well? A That was the most convenient place I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.

Q Boarded with them, they cooked for you? A Yes, sir.

Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.

Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.

MR. MELLETTE: You simply stopped there with him while you was breaking prairie there? A Yes, sir.

Q Didn't know him very long then, did you? A No, sir.

Q Don't know where he had been before that, do you? A No, sir.

Q Don't know where he went after that? A I don't.

Q Are you certain it was in the year '68? A Well, that or '69.

Q How long did you break prairie there? A I expect it was a couple of weeks, I disremember.

Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.

Q How long ago? A I guess it's six weeks ago, might have been over that.

Q Then you remembered back thirty-five or forty years and remembered exactly what ~~year~~ you seen two weeks when you was breaking prairie?

A Yes, sir.

Q You have got a pretty good memory, haven't you? A Why I don't know that I have.

Q Who talked to you about this case first; that gentleman, do you know? A Yes, sir.

Q What's he got to do with this business? A Couldn't tell you.

Q What's his name? A Rucker. C. T. Rucker.

Q Where does he live? A Fort Scott.

Q Is he getting up evidence for the Cherokee Nation up there? A I ain't positive about that.

Q He was around inquiring of you what you knew, was he? A Yes, sir.

Q What did he say to you? A He wanted to know if I ever knew a man—now as near as I can recollect—if I knew a man by the name of Murrell, a colored man that used to live down there.

Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.

Q Is he the witness that testified in the Pomp Brown—Lewis T. Brown case a while ago? A I think he did.

Q And he came to you inquiring what you knew about the Nelson Murrell case? A Yes, sir.

Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No, sir.

Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke—I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with a team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.

Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember

Nelson Murrell, yes, sir.

Q You didn't even remember his first name when you was first asked the question? A I didn't.

Q Have you ever seen him since you saw him there? A I don't remember that I have.

Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.

Q Never have seen him? A No, sir.

Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.

Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.

Q You don't know where Nelson Murrell was in '66, do you? A I do not.

Q '67? A I don't; let me see; no, I don't know where he was in '67.

Q And you don't know where he was except the time you speak of? A That's all.

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No, sir.

Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.

Q You was then subpoenaed, was you not? A Yes, sir.

Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants? A I never heard of any organization.

Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-681.

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

Subscribed and sworn to before me this 2nd day of May, 1902.

[Signature]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 1902.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedman.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Mellette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

STEPHEN LITTLE, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A Stephen Little.
- Q Where do you live? A Live in Cooweescoowee District of the Cherokee Nation.
- Q Well give me your postoffice? A Lenepah.
- Q What is your age? A Going on 77.
- Q Do you know Flora Murrell? A I do.
- Q Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
- Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
- Q Well what was his first name? A Well I forget his first name.
- Q Well do you know it was Lowen? A Lowen Vann.
- Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
- Q On Snow Creek? A Yes, sir.
- Q After the war? A After the war, yes, sir.
- Q How long had you been living thereafter the war when they moved into that neighborhood? A Oh I had been there a very little while I had been there I think four or five or six years, I know I had been there five years.
- Q You know you had been there five years? A I know I had been there five years.
- Q Did they have any children? A I think they had five or six.
- Q Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lila.
- Q Did you know Lowen Vann well? A Know him well?
- Q Yes. A Oh, yes, sir, know him well as I knew anybody.
- Q Did you ever talk to him about where he had been? A Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some, together.
- Q You and he talked the Mexican language together? A Yes, sir, Mexican language.
- Q Said he had been to Mexico? A Yes, sir.
- Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember it.
- Q Well he talked the Mexican language did he? A Yes, sir, good.
- Q He was the husband of Flora Murrell? A At that time, yes, sir.
- Q The father of Charley Vann? A Yes, sir, I suppose so.
- Q You didn't know him before the war? A No, sir.

- Q He talked the Mexican language did he? A Yes, sir.
- Q You talked it? A He talked it and I talked it.
- MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
- Q How was that? A When I lived up on Snow Creek there.
- Q I say when was that? A Well it was sometime in sixty - I think that must have been sometime in '70, along there.
- Q Well why do you think it was in '70? A Because the time I moved there-
- Q Well is there anything special that makes you think it was in '70? A Yes, sir, something especial.
- Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years and that time they was bearing apples.
- Q And had they just begun bearing apples? A Just begun to bear apples.
- Q When you was talking with him? A Yes, sir.
- Q You put them out when you first went there, did you? A The first year after I went there.
- Q You went there in '60? A Yes, sir.
- Q You put out your apple trees in '61? A '66 I went there.
- Q You went in '66, so the Cherokees says, I went there in '66, that's the reason I am here today.
- Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it.
- Q Your neighbors knew that? A Yes, sir.
- Q What month did you go there in? A Me?
- Q Yes, you? A In April.
- Q April, 1866? A Yes, sir.
- Q Where did you go from? A I went from Leavenworth, Kansas.
- Q When did you go to Mexico? A Never have been there.
- Q How did you learn the Mexican language? A My boss has always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.
- Q You learned it without going to Mexico? A Yes, sir.
- Q This other fellow that you testify about talked with you, Mexican? A Yes, sir, that Lowen did.
- Q Didn't you say a while ago in your cross-examination that you went there in '60? A Went where?
- Q Where you live? A '66.
- Q How old was those apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.
- Q Two years old when you put them out? A I expect so.
- Q And they was just beginning to bear? A Bearing when he come there.
- Q When you first got acquainted with him? A Yes, sir.
- Q How long had he lived there in that community before you met him? A Before I met him, why he didn't live there long because he come there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.
- Q He hadn't been there long before you met him? A No, sir.
- Q How long was it before you found out that he could talk Mexican? A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.
- Q Could you learn Mexican in that day and time without going to Mexico? A Well he could, couldn't he?
- Q Well you learned it without going there didn't you? A Yes, sir.
- Q Do you know anybody else that did? A Yes, sir, hundreds.
- Q Lots of them learned Mexican without going to Mexico? A Hundreds, right where I was a man had all black folks could speak Mexican.
- Q The fact that a man could talk Mexican wasn't much of a sign that he had been to Mexico? A Not much, no, sir.

MR. HASTINGS: You heard him say that he had been to Mexico and you learned Mexican up there around - A Up there about Independence, Missouri.

Q Up there where they talked Mexican? A They would come there in the first of fall and stay until cold weather and go away and they wouldn't stay with the white folks, and that's the reason.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, and D-548, the case at bar.

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

(Signed) Arthur G. Croninger

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

(Signed) P. G. Reuter

(SEAL)

Notary Public.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 14th day of November 1904.

Charles H. Sawyer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1908.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

APPEARANCES:

Mollette & Smith for applicants.
W. T. Hastings for Cherokee Nation.

G. W. LANE, being first duly sworn, testified as follows:

MR. SMITH: State your name? A G. W. Lane.

Q Where do you live, Mr. Lane? A I live at Seminole, Cherokee Nation.

Q How long have you lived there? A I have been living in the vicinity there about since '75.

Q What's your age? A 49.

Q Where were you in '66? A I was in Texas in the spring of '66, and came through with a herd of cattle, starting on June the same year.

Q Well when did you reach the Cherokee Nation? A Reached the Cherokee Nation, that is up here, it was in August, '66.

Q August, '66? A Came through, drove through the Territory here, don't know whether it was the Cherokee Nation or not, but it's been in the Cherokee Nation I have found since, and suppose in the Osage country.

Q About how old were you then? A About fourteen.

Q Do you know old man Nelson Murrell? A Yes, sir.

Q When did you first become acquainted with him? A Well, to be intimately acquainted with him, I saw him, met him, that is late in the fall of '66, when I was on, that is up on the creek there, with a herd of cattle, and I become acquainted with him about four years afterwards I guess it was.

Q Well what creek was that where you saw him? A Snow Creek.

Q In what Nation? A Cherokee Nation, that is it was running where I saw him, Snow Creek runs into Kansas.

Q Well what were the circumstances of your meeting with him or seeing him on Snow Creek in '66? A I was taking care of cattle during the summer when we came up from Texas; we were going through to the Kansas line, and the law provided that we couldn't get into Kansas until November, and we landed about September, but we camped waiting until we could take them into the state of Kansas, and in the mean time we stayed on the Kansas line; we camped along anywhere, anyhow, from September until November or the latter part of October, when we started through to Baxter Springs with the cattle, and I fell out with the men that I was with, and they give me the head of some six-shooters, and I run off and left them, and drifted back down in the Territory, and I didn't live with a soul along till, except the cowboys that I got acquainted with for a couple of months, and I fell back down where we had some of our cattle down to old man Alberty's, and old man Canady, cattle man, that did his best and kept the boys from killing me, and after I ran away I came back there, and happened to get acquainted with old man Alberty while we was herding up there; I stopped at his house for a few days to see where I would go to, and while I was there this old man Murrell came there in company with some other freedmen; I don't know as I ever see them since; if I did I didn't get acquainted with them, to old man Alberty's while I was there, and I left old man Alberty's, stayed there probably a week, and went to old man Canady, and they were

herding cattle just north of where the Kansas line comes there, and I stayed with him all that winter, herded for him and taken care of cattle, and in the summer of '67 I went across on Turkey Creek and worked, stayed with a white man by the name of Campbell until '68, and I went to Chetopa in the fall of '67, later in the fall of '67, I went to Chetopa, and I stayed in Chetopa from that until '72, and I came back to Snow Creek and got acquainted with this old man Murrell, and I have been acquainted ever since.

MR. HASTINGS: You are a colored man, are you? A Yes, sir.

Q Where do you live? A I live on the Iron Mountain Road six miles south of Coffeyville.

Q How far is that from Snow Creek? A About two miles west.

Q How far is that from where Nelson Murrell now lives? A About a mile and a half I guess or probably two miles from my farm.

Q Do you know, Nelson Murrell was an applicant before the Kerns-Clifton in 1896, wasn't he? A Yes, sir.

Q You didn't think then to make this statement for him? A No, it wasn't necessary.

Q You hadn't thought; this investigation has been going on for more than a year since the first of April of last year, and you never have told this before, have you? A No, it wasn't necessary.

Q Never have told it? A No, sir.

Q Who was your first wife? A Her name was Florence Vann.

Q What kin was she to Nelson Murrell; Nelson Murrell her stepfather? A Stepfather, yes, sir.

Q And your wife was a step-daughter of Nelson Murrell? A Yes, sir.

Q How long did you see Nelson up there when you first saw him? A I didn't see him—he was there just come like anybody else, stranger, I didn't know no colored person.

Q And just passed on? A Yes, sir, he just came to old man Alberty's and I was acquainted with old man Alberty then; didn't even learn his name at that time.

Q You didn't see him any more until '72? A I know I moved over there and known him since '72.

Q When did you first see him? A Saw him in about '69 I think, I saw him again, when I was over there making hay.

Q Where was he then? A He was at a little station, little Osage trading post that they called Claremore.

Q When did you see him live in the Cherokee Nation? A The first time I ever saw him was at his house, was right where he lives now.

Q When was that? A That was in '69 I think, or '70.

THOMAS SCOTT, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Thomas Scott.

Q What is your postoffice? A Coffeyville, Kansas.

Q How long have you lived there? A Why I couldn't really tell just exactly how long; we come up in that country the year after the war.

Q Do you know old man Nelson Murrell? A Yes, sir.

Q How long you known him? A I have known him ever since the year after the war.

Q Where did you first meet him? A I don't just exactly recollect where the first time I did see him, but I really got acquainted with him in the Nation.

Q You don't remember the place? A No, sir, I don't just exactly remember the place the first I seen him at all.

Q Do you know what year it was in? A No, sir, I don't remember them

years back that far because I am uneducated and I couldn't tell nothing about what year it was, I can't tell you.

Q Where were you during the war yourself? A In Texas.

Q Do you remember when peace was declared? A No, sir, I don't exactly.

Q You know when the war closed? A Well I can't tell you because I didn't know the years you know.

Q I am not asking you the years, but I am asking you if the fact, if you remember the fact of the time when the war closed, not the date but the fact that it did close? A Yes, sir.

Q Well no how long after that was it before you came to the Nation from Texas; that's what I want to know? A Well it was, we stayed there till the next spring, the next spring, and the war closed, and we came away the next spring.

Q Did you come within a year after the war closed? A Yes, sir.

Q How long was it after you got back before you met with Nelson Murrell? A Well just something, along in the fall like.

Q Been knowing him ever since? A Yes, sir.

Q Where has he been living? A Been in the Cherokee Nation.

MR. HASTINGS: How old are you? A Why the best of my knowledge I am 51 years old the 15th of June.

Q Do you know what year you first saw Nelson? A No, sir.

Q You don't know whether it was '96 or '36 or '46? A I have done said I don't know.

Q You don't know one year from another? A I guess I know one year from another.

Q Well do you know whether it was '86 or '46? A ~~Yes~~ No, sir, I done said I don't know what year it was.

Q Who owned you? A Old man Jim Skaggs.

Q You have been living in Coffeyville ever since? A Why I don't live in Coffeyville now.

Q Well where were you living when you first knew Nelson Murrell?

A Living in the state of Kansas.

Q Well what town? A Wasn't any town there; lived on the Verdigris river.

Q How far from the line? A Why they called it two miles, two and a half.

Q Did he have a wife when you first saw him? A No, sir, he didn't have a wife when I first seen him.

Q Didn't? A No, sir.

Q Was he just by himself? A As well as I can recollect he was by himself.

Q Where did you see him? A I couldn't tell you just the place where I did see him.

Q How long did you see him the first time? A Why we would meet one another and talk a little while and pass on.

Q How long before you saw him again, five years? A Why whenever he settled his place, I was renting of it, that was my place, I could go down to see him.

Q You don't know what year that was? A No, sir.

Q You don't know what year the war closed? A No, sir, I don't know.

Q You married? A Yes, sir.

Q Who did you marry? A Married a woman by the name of Alice Grounce.

Q When did you come from Texas after the war with? A Come with my uncle, one of old Skaggs's sons.

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Arthur G. Groninger, being first duly sworn, states that as

stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 11th day of July, 1908.

J. H. Ketchum
Notary Public.

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

In the matter of the application of Esau Fox, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Esau Fox, et al.	Cherokee Freedmen D 508
Tohe Looney,	Cherokee Freedmen D 512
Eliza Looney,	Cherokee Freedmen D 537
Frank Looney,	Cherokee Freedmen D 538
Joe Ross et al.	Cherokee Freedmen D 542
Phillis Alexander, et al.	Cherokee Freedmen D 544
Nelson Murrell, et al.	Cherokee Freedmen D 548
Lewis Ross,	Cherokee Freedmen D 549
Allen Looney, et al.	Cherokee Freedmen D 551
Jake Looney, et al.	Cherokee Freedmen D 573
David Ross, et al.	Cherokee Freedmen D 739
Steve Looney, et al.	Cherokee Freedmen D 819
Chaney Ross,	Cherokee Freedmen D 847
Emma Brown, et al.	Cherokee Freedmen D 847
Maggie Willis, et al.	Cherokee Freedmen D 936 .

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission as follows, by Esau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, and Mary Fox. A Marriage license and certificate having been filed with the Commission subsequent to said application showing the marriage of said Ollie Fox to one Posey Gibson, she will now be listed for enrollment as Ollie Gibson. Subsequent to said application, an affidavit was filed showing the birth of Leever Gibson, minor child of Ollie Gibson, and the same is made a part of the record herein. By Emily Looney for her husband, Tohe Looney, as a Cherokee Freedman, and for herself as a Cherokee Freedman by intermarriage. By Eliza Looney for herself and her husband, Frank Looney. By Joe Ross for himself and his two grandsons, Irving G. Looney and John Shadd. By Phillis Alexander for herself and her four minor children, Luther J., Vessie, Ezra and Ermer Alexander. By Nelson Murrell for himself and his wife, Flora Murrell. By Lewis Ross for himself. By Allen Looney for himself and his two minor children, Alice and Bert Looney. By Jake Looney for himself as a Cherokee freedman, and for his wife, Freddie Looney, as a Cherokee freedman by intermarriage. By David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross as Cherokee freedmen, and for his wife, Mary Ross, as a Cherokee freedman by intermarriage. By Steve Looney for himself and his wife, Peggy Looney. By Chaney Ross for herself. By Emma Brown for herself and her minor son, Steve Willis. By Maggie Willis for herself and her minor son, Lloyd Willis. The status of persons applying for enrollment as Cherokee freedmen by intermarriage not being fixed at this time, the applications for the enrollment of Emily Looney, Freddie Looney and Mary Ross as such, will not be considered or passed upon in this decision.

Copies of the testimony taken at various times in the matter of the applications of Daniel Thompson, et al., Rufus Ross, Elizabeth Weigs, Samuel Beck and Emma McAwee, et al., have been filed herewith and are made a part of the record herein.

The evidence shows that Reau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, claim for themselves as former slaves of Cherokee citizens, the right to enrollment, and for the above named children and grandchildren including in their respective applications, as their descendants; that Kliza Looney is a descendant of said Reau and Nancy Fox; that Frank Looney and Jake Looney are the descendants of said Tobe Looney; that Phillis Alexander and her minor children are the descendants of said Joe Ross; that Emma Brown and Maggie Willis, together with their children, are the descendants of said Chaney Ross. All of said applicants, claiming by descent, were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee freedmen, other than as such descendants.

The evidence further shows that Reau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion and did not return thereto and take up their residence therein, until after February 11, 1867. None of the applicants herein are identified on the 1860 authenticated Cherokee roll.

The evidence further shows that Flora Murrell was residing in the Cherokee Nation at the date of the making of the Cherokee treaty of 1866, and has continued to reside therein from that time, up to and including the date of her application herein.

It is, therefore, the opinion of this Commission that Flora Murrell should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Reau Fox, Nancy Fox, Ollie Gibson, nee Fox, Joe Fox, Arthur Fox, Mattie Fox, Ruthie Fox, Mary Fox, Leaver Gibson, Tobe Looney, Kliza Looney, Frank Looney, Joe Ross, Irving C. Looney, John Shadd, Phillis Alexander, Luther T. Alexander, Veasie Alexander, Ezra Alexander, Ermer Alexander, Nelson Murrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John W. Ross, Steve Looney, Peggy Looney, Chaney Ross, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis as Cherokee freedmen, should be denied, under the provisions of section twenty-one of said act of Congress and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed	Tans Pixby	Chairman.
"	T. P. Needles	Commissioner.
"	C. R. Breckinridge	Commissioner.
"	W. M. Stanley	Commissioner.

Dated at Muskogee, Indian Territory,
this March 5, 1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following: WASHINGTON. August 23, 1904.
Land.
28739-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 23, 1904, transmitting the consolidated record of the application for enrollment as Cherokee Freedmen by Esau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox and Mary Fox, and the child of Ollie Fox Gibson, Leever Gibson; by Emily Looney for her husband, Tobe Looney; by Eliza Looney for herself and her husband, Frank Looney; by Joe Ross for himself and his two grand sons, Irving O. Looney and John Shadd, by Phillis Alexander for herself and her four minor children, Luther J. Vessie, Ezra and Elmer Alexander; by Nelson Murrell for himself and his wife, Flora Murrell; by Lewis Ross for himself; by Allen Looney for himself and his two minor children, Alice and Bert Looney; by Jake Looney for himself; by David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross; by Steve Looney for himself and his wife, Peggy Looney; by Chaney Ross for

herself; by Emma Brown for herself and her minor son, Steve Willis; by Maggie Willis for herself and her minor son, Floyd Willis.

March 5, 1904, the Commission decided favorably to the enrollment of Flora Murrell, and adversely to the other applicants.

The record shows by a preponderance of credible testimony that the principal applicants and the ancestors of the others were slaves of citizens of the Cherokee Nation at the beginning of the war of the rebellion; that they were taken out of the Nation during the war and returned and established homes in the Cherokee Nation prior to February 11, 1867.

All applicants of sufficient age are identified on the Wallace and Kern-Clifton rolls, and in isolated cases are found upon the 1880 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1898 (30 Stats., 495) section 21, that this roll was not intended for freedmen, but they were specifically excluded from the same.

There is some testimony in the record in behalf of the Cherokee Nation, but it appears to be that of stock witnesses who have appeared in many of the Cherokee freedmen cases.

In view of the record it is recommended that the Commission's decision favorable to Flora Murrell be approved and

- 3 -

that so much of the same as relates to the other applicants
be reversed and their names enrolled as Cherokee freedmen.

Very respectfully,

W. A. Jones,

Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
HAF

ITD 4756-1904.

August 31, 1904.

L.P.C.

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

Gentlemen:

March 3, 1904, you rendered your decision in the case involving the applications for enrollment as Cherokee freedmen, of Flora Murrell, Beau Fox, Nancy Fox, Ollie Gibson nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, Leaver Gibson, Toke Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Ezra Alexander, Elmer Alexander, Nelson Murrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Looney, Peggy Looney, Chaney Ross, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis, holding that Flora Murrell should be enrolled, and that the other applicants should not be enrolled.

It was stated that the principal applicants claim for themselves as former slaves of Cherokee citizens, and for their children and grand children included in their

respective applications, as their descendants; that all of such applicants claiming by descent were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee freedmen other than as such descendants.

You found that the evidence shows that Esau Fox, Nancy Fox, Tebe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Leta Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion, and did not return thereto and did not take up their residence therein until after February 11, 1867.

Reporting in the matter August 23, 1904, the Commissioner of Indian Affairs states that the record shows by a "preponderance of credible testimony" that the principal applicants were taken out of the nation during the war, and returned and established homes in the Cherokee Nation prior to February 11, 1867; that all applicants of sufficient age are identified on the Wallace and Kern-Clifton rolls, and "in isolated cases are found upon the 1880 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1898 (30 Stats., 495)

section 21, that this roll was not intended for freedmen, but they were specifically excluded from the same." He states that there is some testimony in the record in behalf of the Cherokee Nation, but that it appears to be that of "stock witnesses" who have appeared in many of the Cherokee freedmen cases. He recommends that all of the applicants be enrolled.

The Commissioner is in error in stating that some of the applicants are on the 1880 roll. As stated in your decision, none of the applicants is identified on the 1880 authenticated Cherokee roll. In regard to his statement concerning the 1880 roll, attention is called to departmental letter of May 11, 1900, in which you were advised that the roll of 1880 made by the Cherokee Nation, is to be accepted by you as conclusive of the rights of all persons claiming as Cherokee freedmen, whose names are found thereon and of their descendants.

The Department finds nothing to warrant the conclusion that the witnesses for the nation are "stock witnesses."

It is true that, corroborating each other's statements to some extent, most of the principal applicants claim to have come to the Cherokee Nation in the fall of 1866, with Nelson Marrell, one of the applicants. The nation produced a number of witnesses who testified that

the two principal applicants, Hasm Fox and Nelson Murrell, were residing with their families in southern Kansas, north of the Cherokee Nation, in 1866, 1867, 1868 and 1869, and, some of the witnesses stated, even at a later date; also witnesses to show that in 1868 no freedmen were residing in the Cherokee Nation where most of the principal applicants claim to have been living from September, 1866.

The Department finds no reason to disturb your decision, and it is hereby affirmed. You will, however, adjudicate the rights of Nelson Murrell to citizenship as an intermarried citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

COMMISSIONERS:
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

C. F. 1392

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 8, 1904.

Flora Murrell,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the name of yourself

_____ appears upon a partial roll of Cherokee
freedmen approved by the Secretary of the Interior on November
16, 1904.

You are further advised that you will be permitted
to appear before the Cherokee Land Office at Tahlequah, Indian
Territory, and select allotments for those whom you are entitled
to represent when your ticket of admission is reached in the
regular order.

Respectfully,



Chairman.

Department of the Interior.

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



Flora Farrell,

Corseville, Va. Ind. Ter.

Unclaimed

C. 7. 1392

General

Cherokee

Cher Fr 1393

Trans. from Cher Fr D272

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Cher Fr 1393

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 14th 1901.

In the matter of the application of Mary Hardrick, for the enrollment of herself, her husband, three children and two step children as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge testified as follows:

- Q What is your name? A. Mary Hardrick.
Q How old are you? A. 28 years old.
Q Who do you want to have enrolled besides yourself? A. Myself, husband & three children and two step children.
Q What is your post office? A. Ketchum.
Q In what district do you live? A. Delaware
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Are you a recognized freedman of the Cherokee Nation? A. Yes sir
Q What is the name of your father? A. Jack Baldrige.
Q Is he alive? A. Yes sir.
Q Give me the name of your mother? A. Jane Baldrige.
Q Is your mother alive? A. Yes sir.
Q You have been married how many times? A. Twice.
Q Give me the name of your first husband? A. Jerry Owens.
Q Is he dead? A. Yes sir.
Q Was he a Cherokee Freedman? A. No sir.
Q State man? A. Yes sir.
Q How long has he been dead? A. About nine years.
Q Give me the name of your second husband? A. Nelson Hardrick.
Q He is the husband you are living with now is he? A. Yes sir.
Q How old is he? A. 37 years old.
Q When did you marry him? A. In 1899.
Q Your first husband was not dead when you married your second husband was he? A. Yes sir.
Q Have you a certificate of your marriage to your present husband? A. Yes sir I have it at home, I did not bring it with me.
Q Give me the name of your husband's father? A. Hese Hardrick.
Q Is he alive? A. Yes sir.
Q Give me the name of your husband's mother? A. I don't know her name she has been dead a long time.
Q Is your husband a recognized Freedman of the Cherokee Nation? A. Yes sir.
Q How many times has he been married? A. Twice, to me and his first wife is dead.
Q Give me the name of his first wife? A. Minnie Downing, before she was married.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. 4 or 5 years.
Q Do you know how old she was when she died? A. No sir.
Q Was she a recognized Freedman of the Cherokee Nation? A. Yes sir.
Q Do you know the name of her father? A. He was named Aleck Downing
Q Is he dead? A. Yes sir.
Q Give me the name of her mother? A. I didn't know her mother
Q Give me the names of your own three children. A. Rebecca Owens.
Q How old is she? A. 11.
Q Next child? A. Susie Owens.
Q How old is she? A. 7 years old
Q Next child? A. Precilla Hardrick.
Q How old is this one? A. Five months.
Q Are these children all alive now? A. Yes sir.
Q Give me the names of your two step children? A. Malinda Hardrick.
Q How old is this one? A. 8 years old.
Q Next child? A. Leroy Hardrick.
Q How old? A. 7 years.
Q Are they both living now? A. Yes sir.
Q Were you mother and father ever parted? A. Yes sir.
Q When? A. Many years ago.
Q How many years ago? A. Well I don't know, I was a baby.
Q What was the name of your step mother? A. Nancy.
Q Did you continue to live with your father and your step mother? A. Yes sir.

Mary Hardrick 8.

- Q Your own mother is still living is she? A. Yes sir.
Q Did your mother marry again after she left your father? A. Yes sir.
Q Who did she marry? A. Hose McNair.
Q Was he ever called by any other name besides McNair? A. Yes sir, they called him Riley

By James Davenport, Cherokee Representative:

- Q What was your mother's maiden name—before she was married at all?
A Wofford.

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

By the Commission:

- Q Do you know whether you drew your strip money? A. Yes sir.
Q Are you the only Mary in your family? A. Yes sir.

JACK BALDRIDGE, called and sworn as a witness before Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your name? A. Jack Baldrige.
Q How old are you? A. 46.
Q What is your ~~XXXXX~~ post office? A. Vinita.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know this applicant here, she is your daughter is she? A. Yes sir, that is what her mother said she was.
Q She is married is she? A. Yes sir.
Q Give me the name of her husband? A. Nelson Hardrick
Q You and this woman's mother were husband and wife a long time ago were you? A. Yes sir.
Q Are you parted? A. Yes sir.
Q Did this child live with you or with her mother after you parted from your wife? A. With her mother.
Q Did her mother bring her up? A. Till she was ten years old and then she come and staid with me.
Q Did you ever call her by any other name than Mary? A. No sir.
Q How many daughters in did you have? A. Two, one is dead.
Q What is the name of the daughter who is dead? A. Lucy, she was by my other woman, Lucy
Q Did you and Jane separate when this woman here was a child? A. Yes sir.
Q Was it before 1880? A. Yes sir.
Q What would James name be in 1880—was she married again? A. Yes sir
Q What was her name then? A. Riley.
Q Who was she married to then? A. Hose Riley.
Q Some times called McNair? A. Yes sir.
Q Was you ever married before you married Jane? A. No sir.
Q How many times had she been married before she married you? A. Once
Q Who was she married to before she married you? A. Buffington.
Q Was he dead when you married her? A. Yes sir.
Q Were you married by a preacher? A. No sir.
Q How many children did you have by this first woman? A. Just this one.
Q How many did she have when you married her? A. Two
Q Two Buffington children? A. Yes sir.
Q Is there any one here who knows hat you and Jane Buffington lived together as man and wife? A. Yes sir, my sister over there.

SUSAN P. VANN, called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A. Susan P. Vann.
Q How old are you? A. I dont know sir.
Q Well as near as you can come at it? A. About 40 I guess.

Mary Hardrick 3.

- Q You must be about 65 or 70 at least? A. Yes sir I guess so I dont know my age.
- Q What is your post office address? A. Vinita.
- Q How long have you lived in the Cherokee Nation? A. All my days.
- Q Are you a sister of Jack Baldrige? A. Yes sir.
- Q You are an aunt then of this woman Mary? A. Yes sir.
- Q Who is Jack married to now? A. No body.
- Q Who was his last wife? A. Nan
- Q Who was his wife before that? A. Jany McNair, or something like that.
- Q How long have you known her? A. Only know her when she married him
- Q You never knew her before she married him? A. No sir.
- Q How long did they live together? A. I dont know.
- Q Is this a child of that marriage? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of Jack Baldrige, father of the applicant identified thereon as follows:

Page 231 No 389, Jack Baldrige, Delaware district.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:

Page 213 No. 198, Mary Baldrige, Cooweescoowee district

JACK BALDRIDGE re-called and examined by Com'r Breckinridge:

- Q Did you ever have any other daughter named Mary besides this woman here? A. No sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows:

Page 115, No. 2878, Nelson Hardwick, (District not given)

Page 115, No. 2871, Malinda Hardwick, (District not given)

APPLICANT re-called and examined by Commissioner.

- Q Didn't you draw Cherokee strip money for these children? A. No sir.
- Q Why not? A. Cause they was left off I guess.
- Q Was this girl Lucy your full sister or your half sister? A. My half sister.

Note by Com'r Breckinridge: * Minnie Downing is looked for on the roll of 1880 and not found.

JACK BALDRIDGE re-called and examined by Commissioner

- Q Where was this daughter Mary in 1880? A. In Cooweescoowee district
- Q In the Cherokee Nation? A. Yes sir.
- Q How do you account for her not being on the roll of 1880? A. I was living in this district and she was with her mother in Cooweescoowee.
- Q Was this the only child you had by your wife Jane? A. Yes sir.
- Q How old was this child when you and your wife parted? A. Two years old I guess.
- Q That was some time before the roll of 1880? A. Yes sir.

By Com'r Breckinridge: The applicant applies for the enrollment of herself, her husband and three children of her own, and two of whom are by a former husband, and she also applies for two step children, the children of her present husband by a former wife. The applicant is not found on the rolls of 1880 or 1886; she is 38 years old. Her husband's father is identified on the roll of 1886 and it is necessarily shown in the testimony that

Mary Hardrick 4.

Her father and mother were legally married, but it appears that they separated several years prior to 1880. The applicant's mother is still living, but cannot be identified on any roll. The applicant's change of name arising from marriage is established in a satisfactory manner by her own and her father's testimony and by the testimony of an aunt. Under the conditions stated the applicant will, for the present, be listed for enrollment on a doubtful card for the further consideration of her case. Her husband is identified on the Kerns-Clifton roll but not on the 1880 or 1896 rolls.

By Commissioner of applicant:

Q How long has your husband lived in the Cherokee Nation? A. All his life.

-JUDGMENT CONTINUED-

He is said to have lived in the Cherokee Nation all his life, but to await further consideration, and also further evidence, if such can be furnished in regard to his status, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card. The applicant's three children, Rebeccas and Susie Owens, her children by her former marriage, and Precilla Hardrick a child of the present marriage, are not identified on any roll but the last named child is too young to be upon any roll. It is desired that she supply the Commission with certificates of the birth of all three of these children and they will then also be listed for enrollment as Cherokee Freedman on a doubtful card with their mother. As for the two step-children, of the applicant's, Malinda and Leroy Hardrick, they are her husband's children by a former wife, the older one, Malinda, is identified on the roll Kerns Clifton roll, but the child Leroy is not identified on any roll. Both of these children are said to be living and they will be listed for enrollment as Cherokee Freedman on a doubtful card.

The 1880 authenticated roll and the 1896 census roll examined and the applicant's husband nor any of the children or step children applied for are found thereon.

The Kerns-clifton roll of the Cherokee Nation examined and the names of the applicant's own children and one of her step-children are not found thereon.

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.

Subscribed and sworn to before me this the 17th of May, 1901, at Vinita, I. T.

Chas von Weise
A. M. ...

Commissioner.

7B.

Fig. 272

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

14 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

Date *May 14-1901*
Post Office *Ketchum T. S.*
District *T. S.*

27. Name *Nelson Hardrick* Age *37*
Owner's name _____ Citizenship _____
Year *R. C.* Page *115* No. *2870* District _____

Parents:
Father *Mrs Hardrick* a. Citizenship *Col.*

Mother _____ d. Citizenship _____

17. Name of wife *Mary Hardrick* Age *28*

Owner's name _____ Citizenship _____
Year *R. C.* Page *8* No. *198* District *Col.*

Parents:
Father *Jack Baldridge* a. Citizenship *Col.*

Mother *Jane* " a. Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.
3.	<i>Rebecca Owens</i>				
4.	<i>Susi</i>				
5.	<i>Psicilla Hardrick</i>				
6.	<i>Melinda</i>	<i>R. C.</i>	<i>115</i>	<i>No 2871</i>	<i>Dist. [blacked out]</i>
7.	<i>Leroy</i>				
8.					
9.					
10.					
11.					
12.					

*11 yrs
7 "
5 "
8 "
7 "*

Application made by *Mary Hardrick* Stenographer *Wend Haise*

Ms. 1 on R. C. Bee as Mary Baldridge, Col.
Ms. 2 on R. C. [unclear] Hardrick, Col. Dist.
Ms. 6 on R. C. Melinda
Ms. 3 and 4 and 5-7 Certificates of birth to be supplied.

F. D. 314.

To be filed with F. D. 272, Nelson Hardrick.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16, 1901.

In the matter of the application of Mose Hardrick for enrollment as a Cherokee Freedman.

Mose Hardrick, being duly sworn and examined by Commissioner Nedles, testified as follows:

Q What is your name? A Mose Hardrick.

Q How old are you? A 71.

Q What is your postoffice address? A Chelsea.

Q What district do you live in? A Coowesscoowee.

Q Do you apply to be enrolled as a Cherokee Freedman. A Yes, sir, I want to be.

Q Who do you want to enroll besides yourself? A I have six children here.

Q Under 21 years of age, any of them? A No, sir.

Q They must all appear for themselves. If your name on the roll of 1880? A I don't think it is.

Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir, it is on the Clifton and Wallace.

The 1880 authenticated roll of the Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

The Korns-Clifton roll examined, and the applicant identified thereon, page 115, No. 2864, Mose Hardwick, no district;

The Wallace roll examined, and the applicant identified thereon page 183, No. 3359, Moses Hardwick.

By Edgar Smith, Attorney for applicant: Were you a slave?

A Yes, sir.

Q To whom did you belong? A Lewis Ross.

Q Was he a Cherokee and a citizen of the Cherokee Nation? A Yes, sir.

Q Where were you when the war broke out between the north and south? A Right here in the Cherokee Nation.

Q Did you go out of the Cherokee Nation during the war? A Yes, sir.

Q Where did you go to? A Kansas.

Q When did you return? A In '66.

Q About what time in '66? A In the spring.

Q Where have you lived since 1866? A Right here in the Nation.

Q In what Nation? A The Cherokee Nation.

Q Have you ever lived out of the Cherokee Nation since 1866? A No, sir.

By L. B. Bell, Cherokee attorney: Where did you go to in 1866? A Down here on Dr. Thompson's place.

Q How long did you live there? A Stayed there till the winter of 1867.

Commissioner: Why is your name not on the roll of 1880? A Well, politics was the cause of it.

Q Did you ever apply to the Cherokee authorities to have your name placed on the roll? A I went one time when they told me to go, I went.

Q They refused to put it on? A Bob Daniels said they were not doing business for negroes, they were doing business for indians, for us to go home.

Mr. Bell: You applied to the Supreme Court? A It was that that Bob Daniels was chief justice of the thing, and that is what they told us when we went; they notified us, the Sheriff of Delaware District.

Commissioner: Have you always voted in the Cherokee Nation. A Yes, sir.

Q Vote every time you get a chance? A Been voting most all the time.

Q Ever hold any office? A No, sir.

Mose Hardrick-2.

Mr. Smith: Have you improvements on the public domain of the Cherokee Nation? A Yes, sir.

Q What? A I have got a farm.

Q How long have you had it? A I have had one on the Grand River where my children is living now ever since I have been here.

Q Ever since you have lived in the Cherokee Nation? A Ever since the war.

Commissioner: Did you ever have any business in the Courts of the Cherokee Nation? A No, sir.

Q Never was? A No, sir.

Mr. Bell: They didn't get you in jail? A No, sir, never did.

Frank Ress, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Frank Ress.

Q How old are you? A 53.

Q Where do you live? A Lightning Creek.

Q What is your post office? A Hayden.

Q Do you know Mose Hardrick? A Yes, sir, I knowed him ever since I knowed myself.

Q Ever since you can recollect? A A Yes, sir.

Q Did you know him before the war? A Yes, sir, we lived on the same place before the war.

Q Do you know where he was when the war broke out? A Yes, sir, he went to Kansas when the war broke out.

Q Do you know when he came back? A I saw him in the fall of 1866 down here on the river.

Q At what place? A Down there at the Bob Daniels place.

Q How far do you live from where he lives now? A I don't know, now, I live about eight miles from where he does not.

Q Do you know whether he has been living in the Cherokee Nation ever since 1866 or not? A Yes, sir, he has been right in the Cherokee Nation ever since.

Andreson Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? Andreson Lynch.

Q What is your post office? A Vinita here.

Q How old are you? A I am 64.

Q How long have you lived in the Cherokee? A Ever since I was born in here.

Q Do you know Mose Hardrick? A Yes, sir.

Q How long have you known him? A I knowed him a while before the war.

Q Where was he when the war commenced? A He was down here at Rosses, was all the place I knowed him.

Q In the Cherokee Nation? A Yes, sir, I saw him when they taken them all when they were carrying us all up there.

Q Do you know when he came back? A Not exactly, I know when I saw him, neababouts; it was Christmas times when I saw him at a dance up at Dr. Thompson's place.

Q After the war? A Yes, sir.

Q What year? A That was in '66, along in there in the winter like.

Mr. Bell: You say you saw him in Christmas times? A Yes, sir, about Christmas.

Q Were you up there at the dance? A Yes, sir, went up there to play the fiddle.

Q Where did you live at then? A I lived down there on the Lynch place, on the Lynch Prairie.

Q That is on Lynch's prairie? A Yes, sir.

Mose Hardrick-3.

Q What place? A There at the old Harrison place, not the Harrison place but on between there right on the farm on his place.

Q Was that the place you bought from Lon Lynch? A No, sir, this here was belonging to old Charlie Landrum's place I went from, and then I come over to the Lynch place over there; I hadn't moved on the Lon Lynch place.

Q You mean you were living at the residence of Uncle Joe Lynch?

A Yes, sir.

Q That was in December, 1866? A Yes, sir.

Commissioner:

Mose Hardrick applied for the enrollment of himself as a Cherokee Freedman. From an examination of the authenticated roll of 1880 his name is not found thereon. He is duly identified upon the Kerns-Clifton roll. He makes satisfactory proof as to his residence. By reason of the fact that his name is not on the roll of 1880 and that his citizenship is contested by the Cherokee authorities, Mose Hardrick will be listed for enrollment as a Cherokee Freedman on a doubtful card awaiting further consideration of the Commission. When the Commission arrives at a conclusion in the premises, he will be duly notified of the same by mail.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 16th of May, 1901.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Moses Hardrick for the enrollment of himself as a Cherokee freedman.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871, as found of record in the book entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," No. 3, as follows:

"Moses Hardrick and family, too late.
Decided against defendant June 6, 1871."

The same being taken from a page the top of which is as follows: "Delaware colored doubtful roll." The Cherokee Nation offers this for the purpose of showing that a full investigation of this man's case was had in 1871, when all the witnesses were alive who knew the exact date of this man's return, when plenty of evidence was available for a court of competent jurisdiction, so that they could be brought and testify as to the exact time of his return, and this is a judgment which determines that they did not return in time under the treaty of 1866.

MR. SMITH: The applicant objects to the introduction of the above for the reasons that, first, the entry offered, alleged to be a decision of the Cherokee Nation, is insufficient in law to show that any judgment was ever rendered in legal form; second, because there is no proof that the person or persons mentioned in said entry are identical with the applicant or applicants herein; third, because it is incompetent in law to prove any record of the Cherokee Nation in the manner and form sought to be used in this offer of evidence.

MR. HASTINGS: The Cherokee Nation now offers an additional judgment in the case of Moses Hardrick vs. the Cherokee Nation, rendered on August 9, 1878, by what is known as the Chambers Court, as follows:

"Moses Hardrick
The Cherokee Nation. (Claim of citizenship before the
Commission at Tahlequah, August 9, 1878.

Claimant presents his case by a written statement alleging that he had been a slave and owned by a citizen of the Cherokee Nation at the breaking out of the late rebellion; that having been absent during the war, he had nevertheless returned within six months from the treaty of 1866, between the U. S. Govt. and the Cherokee people; that he is entitled to citizenship in the Cherokee Nation.

The Nation interposes a denial to this statement. And the facts in the statement are fully proven except the return within six months. True, claimant introduces witness who swears that he, the claimant, did return within the time limited by the proviso of the treaty; but said witness on cross-examination, discovered so little intelligence upon dates of important events, such as the years of the beginning and ending of the rebellion, and the like, that we hesitate to accord but little credence to the main point involved in the case, viz- the return in time. We may say, that if this was all the testimony adduced on this point, it would not satisfy our minds of the truth of the statement. We are relieved, however, from the disagreeable duty of setting aside this statement because a

witness who stands equally unimpeachable and of equal veracity, as he is much more intelligent, places the time of claimant's return one year later, and therefore we feel bound to hold that the claimant has failed to sustain the fact alleged, of a timely return to the Cherokee Nation, to entitle him to Cherokee citizenship under said 9th article of the treaty of 1866.

We, therefore, declare claimant an intruder in the Cherokee Nation.

John Chambers, Prst.
O. P. Brewer,
George Downing,
Coms.

Attest:

D. L. Nicholson, Clerk."

MR. SMITH: Applicant objects to the introduction of the above alleged judgment for the reasons, first, that it does not appear that the Moses Hardrick mentioned in said alleged judgment is identical with the Moses Hardrick who is the applicant in this case; second, for the reason that the offer is insufficient in law to show that any judgment was rendered; third, that the same is incompetent, irrelevant and does not tend to prove any issue in this case; fourth, because no showing has been made and no showing is offered that any ~~valid~~ valid judgment was rendered.

COMMISSION: Attention is here called to the descendants of Moses Hardrick, who appear upon the following Cherokee cards: F.D. 192, D-321, D-320, D-272, D-331 and D-201.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the 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 28th day of May, 1902.

P. G. Reuter,
Notary Public.

SEAL.

"R"

File with Cherokee Freedman D-314, Moses Hardrick.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 5, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in
the matter of the application of Moses Hardrick for enrollment as
a Cherokee Freedman. D-314.

Appearances:

Louis T. Brown, as agent for the applicant;
W. W. Hastings, of attnyes for the Cherokee Nation.

G. W. CLARK, being sworn and examined testified as follows:

BY HASTINGS:

Q What is your name? A G. W. Clark.

Q Mr. Clark, you are a Cherokee citizen by blood? A Yes, sir.
Cherokee by blood.

Q How old are you? A I am coming birth-day 59 years old.

Q Your post-office address is Vinita? A Yes sir.

Q Mr. Clark, you were in the Union army were you, during the war?

A Yes sir, I was in the Union army during the war.

Q Mr. Clark, have you been a member of the Cherokee Senate and
council both? A Yes sir, I represented in the Senate and Council
both.

Q You once lived in Saline District I believe? A yes sir, I lived
in Saline and Delaware.

Q Were you also District Solicitor of Saline District were you?

A Yes sir.

Q You were also Circuit Judge of the Northern Circuit? A Yes sir,
I served for eight years.

Q I will ask you if you know a colored man who formerly lived on
Grand river south of Vinita but who now lives in the neighborhood
of Chelsea, I. T., by the name of Mose Hardrick? A yes sir, I
I was very well acquainted with Mose Hardrick.

Q I will ask you first when you married? A I married on the 8th
of June, 1865, mustered out of the service on the last day of May
and married eight days afterwards.

Q How where did you locate? A I located on Lynch's prairie that
fall; went up there that coming fall of '65; stayed up there on this
side of the river.

Q How far is that from Island Ford on Grand river? A about five
miles.

Q How long did you stay there? A Why we stayed there on year,
went there in the fall of '65, and moved from there in the fall of
'66; I moved up then in the neighborhood of where this fellow claimed
that he lived, up about seven or eight miles from there in what is
known as six mile bottom, right opposite the river from the Doctor
Thompson place, Bob Daniels' place, that neighborhood, in Delaware
District.

Q You then moved in the fall of '66 just across the river from the
Bob Daniels' or Doctor Thompson's place? A Yes sir.

Q And I believe you say about two miles? A About two or two and a
half miles.

Q You already stated you knew Mose Hardrick? A Yes sir.

Q Did you know him before the war? A Yes sir, I knew him before
the war; I worked on the place where his master lived.

Q Is that at Park Hill? A Yes sir; he used to belong to Lewis Ross
but Lewis Ross gave him to his daughter; I first got acquainted
with him he belonged to George A. Murrell's wife; she was a Cher-
okee, Lewis Ross' daughter and lived at Park Hill.

Q That was in the Cherokee Nation? A Yes sir, Tahlequah District.

Q Well now, how long did you continue to live at the place you moved to in the fall of '66 within two miles as you state of Doctor Thompson and Bob Daniels' place? A I think I lived there until '72.

Q Some five or six years? A Yes, sir.

Q When did Mose Hardrick return to the Cherokee Nation? A My recollection that he moved back from Kansas in the spring of '67, along late in the spring after grass was up.

Q Was he up there in that neighborhood when you moved there in the fall of '66? A No, sir, he didn't live there.

Q You knew him before the war, as you stated? A Yes sir.

Q And you knew him when he came back? A Yes sir, I knew him when he came back.

Q You were well acquainted in that neighborhood? A Oh yes, I know everybody in the neighborhood. There wasn't so many of us then.

Q You were in the Union army? A Yes sir, There was some colored people that come back and lived on that Doctor Thompson place in '66; Andy Frye and Peter Williams and an old fellow who used to belong to Martin Schrimsher, Tobe Schrimsher, his name was; he is dead.

Q You are positive that Mose Hardrick was not there in that winter of '66? A No sir, he was not there; he didn't live there.

BY BROWNE:

Q When did you say you returned to the Cherokee Nation after the war? A When did I return?

Q Yes sir? A Well I just stepped here all the time.

Q You went out during the war didn't you? A No sir, I soldiered mostly in the Cherokee Nation; I was stationed there at Fort Gibson.

Q Where did you say you lived in the fall of '66? A In the fall of '66?

A Yes sir? A I lived in Cooweescoowee District, down below Lynch's Prairie, on this side of the river.

Q You mean Delaware district? A No, I mean Cooweescoowee district. It was Cooweescoowee then.

Q At that time? A Yes sir.

Q What is it now? A It is Cooweescoowee yet; and then I moved across, to go straight across, I will give you an idea about it so you can ask whatever question you want to: (illustrates) the river makes a bend here and then comes up here and makes another bend and going from here up to here it's near about eight miles, and in the fall of '66 after I made a crop there I went across here about eight miles and around this way it is about twenty, so eight miles up here put me in Delaware District right close to where this man stated he lived, close to Bob Daniels place.

Q Now until the fall of '66 until the fall of '67 you lived you say about eight miles? A No I lived in about two of Doctor Thompson place but moved there in Delaware in December.

Q In your direct examination didn't you state that from the fall of '66 until the early part of '67 you lived in about eight miles of the Bob Daniels or Doctor Thompson place? A No, I said I lived there in the fall of '65 until the fall of '66, I only staid there one year and then in the fall of '66 I moved up to near Bob Daniels.

Q Where were you the Christmas of '66? A Christmas of '66 I was up here on this place; you see I moved there about the first of December, just about the time Council adjourned.

Q You moved in this neighborhood about the first of December, '66? A Yes sir.

Q Prior to that time how far did you live from this place? A About twelve miles, by going straight through and crossing the river three times.

Q But you wouldn't go that way? A Yes sir, when the river was down. Around this other way it would have been 25 or 30 miles.

- Q How from July '66 until the first of December, '66 you were in twelve miles of the Doctor Thompson place? A How did you put your question?
- Q From say about July '66 until the first of December '66 you were twelve miles away from the Doctor Thompson place?
- Q No if I moved that fall or December that was my first time I lived there, up there in that Delaware District.
- Q Well now you claim that you moved in two miles of the Doctor Thompson place in December '66? A Yes sir.
- Q Well now where were you living prior to that time? A I was living below there.
- Q About how many miles? A About twelve miles.
- Q Then you were not ~~there~~ there in that neighborhood as a resident from July '66 until December '66 were you, during that period?
- A I passed through there several times but I didn't live there of course.
- Q In passing through there people could have been there and you not have known it? A Of course they might have been hid around there, but they were not publicly there.
- Q You didn't go to everybody's house did you? A There wasn't but very few there to go to.
- Q Did you go to all of those houses? A No.
- Q This applicant might have been at some of these houses and you not have known it? A Well he wasn't to my knowledge?
- Q But might he not have been there and without your knowledge?
- A Of course I reckon you can make a mistake about it that he might have been there, but I didn't know it.
- Q You don't know when everybody returned to the Cherokee Nation do you? A Come might near knowing when all the Freedmen returned in there in that neighborhood.
- Q But you go around the neighborhood twenty-five miles away would you know? A No I don't know as I would, if he come there and keep himself hid.
- Q What is your best judgment as to when you saw this applicant in the Cherokee Nation after the war? A Spring of '67, he moved there, working an old gray horse and a bay one, and I lived close to him and I think I let him have corn to plant the first crop; it after grass raised; I think they come down on the grass.
- Q What month would you say it was? A About the last of April.
- Q That was the first time you saw him after the war? A Yes sir, after the war.
- Q You are not prepared to state that he was not in the Cherokee Nation before that time? A ~~Yes~~ Oh no, I was not over the Nation.
- Q You are not prepared to state that from July '66 to December '66 he was not in the neighborhood there somewhere? A I am prepared to say he didn't make a crop there in '66.
- Q Well in the spring of '66 where were you? A I was living there on the river.
- Q That was about twelve miles from the Doctor Thompson place where this man claims to have returned isn't it? A Yes sir.
- Q Now you are not prepared to say that he didn't return to the Cherokee Nation in that vicinity in the spring of '66? Yes sir, I am prepared to say I don't think anybody lived there, that there was no crop made on the Thompson place in '66; those that come there, Andy Frye, in the first settlement, didn't come until the fall of '66.
- Q But now are you prepared to state positively that Nose Hardrick didn't return to the Cherokee Nation in the neighborhood of the Dr. Thompson place in the spring of '66? A Not of my personal knowledge he didn't.
- Q There was a dance up there at Millie Frye's in December '66, about Christmas? A There was, a little before Christmas, I don't know as it was Millie Frye's; there was a dance in the fall at Bob Daniels' place, Arch lived there then.

Q Do you know Anderson Lynch, better known as "Crap" Lynch?
A Yes sir.

Q He was in the Cherokee Nation in '66? A Yes sir, he was at that dance.

Q If he swore that he saw this applicant Mose Hardrick at that dance in December '66, are you prepared to say that isn't so?
A I am prepared to say he told a lie.

Q Were you there at the dance? A Yes sir.

Q Go ahead and tell me every person that was there? A I had been shaking all the summer of '66 and they promised me if I would go up there they would let me have a half a gallon of whiskey, and I went there, and he didn't come until very late in the night and I never got it and turned my horse in the field, and after I got my whiskey I couldn't catch my horse and had to stay there until after daylight.

Q What time did you get there? A About sundown.

Q Who was at that dance? A About all the colored people that lived in that neighborhood.

Q Name them? A Arch Landrum, Lewis Rowe, George Johnson was there particular, and I aint sure whether Al Lynch was there or not.

Q Who else? A Well I know Mose wasn't there.

Q Well who else was there? A Well there was several there, I don't know whether that was all; them is the prominent ones that I recollect.

Q Well some of them that's not so prominent? A I don't remember it now, that's the hard part of it.

Q Then your memory isn't clear as to who all was there? A My memory is clear that Mose wasn't there.

Q It isn't clear as to who all was there? A No sir I don't know as I could name them.

Q Crap had fiddled around at that dance some didn't he? A Yes sir he fiddled some. Him and George together.

Q What time did you go to bed that night? A I don't know as we get to go to bed, about the time we got a pallet down on the floor uncle Jess Cockrum raised a row and went stepping around over the people, and busted up the dance, and we didn't sleep much until daylight.

Q You have been a witness in a great many cases haven't you? A Met a great many, not so near as many as I could.

BY HASTINGS:

Q Crap Lynch has been a witness in a great many? ~~cases~~ A I think he has; I have heard his testimony.

Q He is known to be the biggest liar up in that country aint he?
A I think if you got after a man for perjury you could get him.

BY BROWN: I ask that this be stricken from the record, for the reason that it is merely a matter of opinion of this witness and it is incompetent.

BY COMMISSION: Objection will be noted and testimony will be considered for what it is worth.

Q I will ask what Crap Lynch's reputation is for truth and veracity? if you know it? A It aint very good.

Q Mr. Clark, you say that the country was thinly settled in '66 in December of '66? A Yes sir.

Q You knew when people come in from the states, strangers, didn't you? A Oh yes, there wasn't many strangers in the country at all, very few at all moved in the country.

Q I will ask you out there on your place up to this time you don't know when people come in?

BROWN: Objection, because it is leading.

Q There is a great many come here now, I pay no attention to it, at all.

Q I will ask you if at that time you knew in those neighborhoods when people returned, say within four or five miles of where you lived? A I will answer it in this way: if it is all right, with an example: I used to go to Vinita after it was there, say along

in '80, and I knew every man that was in the place; now I go there I don't know hardly one tenth of the population, of the emigration.

Q I am taking you back in '66 and '67? A It was worse then than it is now, we know everybody.

Q You knew them then? A Yes sir.

Q You know where Mose Hardrick came or claimed he came from when he came there in the spring of '67? A Oh yes, he claimed he come from Kansas; I know when he left there and went to Kansas I was very intimately acquainted with Mose; he belonged to George A Murrell and I worked for Murrell. We both drove six miles at the saw mill; I worked there before the war after my mother died.

NELSON MOORE, being sworn and examined, testified as follows:
BY HASTINGS:

Q What is your name? A Nelson Moore.

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

Q Your name on the 1880 roll? A Yes sir.

Q What is your age? A Forty-eight.

Q Where do you live? A In Delaware district.

Q What is your post-office? A Ketchum.

Q Who did you belong to before the war? A Mr Elowie Butler and Darkey Butler, that was his wife, full-bloods.

Q Did you go out of here during the war? A Yes sir.

Q When did you come back, Melse? A Fall of '65.

Q Where did you come to? A To the first place we come to the old Doctor Thompson, Johnson Thompson place, and then from there to the Bob Daniels place.

Q How when did you move to the Bob Daniels place? A Right that same fall, to the Bob Daniels place.

Q In the fall of '65? A Fall of '65.

Q Where did you live in the year of '66? A We lived on the same place, Bob Daniels place.

Q How long did you live there? A We stayed there until the winter of '67.

Q You know a colored man that used to live in that neighborhood by the name of Mose Hardrick? A Yes sir.

Q Did you see Mose Hardrick in the year of '65? A Now sir.

Q Did you see him in the year of '66? A No sir.

Q When, if you know, did Mose Hardrick return to the Cherokee Nation after the war? A Well the first time I saw him was in the spring of '67.

Q About what time in the spring? A Well it was along about April or May, as well as I can remember.

Q You know where he come from? A Well he said he come from Kansas. I don't know just what part.

Q You know who he came with? A Yes sir.

Q Well tell us? A Andy Frye and Uncle Tobe Schrimsher and old uncle Peter Williams and Mack Bene, he is dead now though.

Q Had Andy Frye been down here before? A No sir, not that I know of, no sir.

Q You never saw him there then until in the spring of '67? A Spring of '67 is the first time I ever saw him.

BY BROWN:

Q Mr. Moore, you knew Millie Frye? A Yes sir.

Q Do you know when Millie Frye and Andy Frye married? A No sir, I don't.

Q About when? A I don't know at all. I couldn't tell you.

Q Were they married when war came up? A I couldn't tell you that, I never saw them until they come there.

Q You never knew her until after the war? A Not until she moved there in the fall of '65 or '66.

Q Well now you say Andy Frye returned in '67? A '66.

Q You said '67 awhile ago? A '66, if I said '67 it is a mistake.

Q '66 is when they returned; you say Mose Hardrick returned with

- him? A No sir, he didn't come with Andy.
- Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Schrinsher returned to the Cherokee Nation with Mose Hardrick? A No sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.
- Q Andy is on the 1880 roll? A Yes sir.
- Q Andy come in the spring of '67? A Fall of '66 I say, when Andy come it was in the fall of '66.
- Q About how many weeks was that after Andy come until Mose Hardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.
- Q Well about how many weeks, would you think? A I don't know.
- Q How many months? A Oh it would be to the best of my recollection it would be about 3 or 4 or 5 or 6 months, I wouldn't say positively because I don't know exactly.
- Q How did you fix the month in which Mose Hardrick returned to the Cherokee Nation? A How did I fix it?
- Q Yes sir? A I don't understand what you mean by that.
- Q You said he returned in about April or May? A I said as well as I remember it was April or May; it was after grass was up.
- Q You remember the grass being up? A Yes sir.
- Q How does the fact that the grass was up connect with in your mind with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Frye and my step-father and Arch Landrum, Uncle ~~Rubens~~ Ruben Downing, they all of them went to Lucy Hildebrands in the spring of '67 to a census taker.
- Q To a census taker? A Yes sir, to a census taker; that was in '67.
- Q What month was that? A That was about in June or July as well as I remember.
- Q They took census in '67 did they? A I reckon they did, that's what they said; they all went off; I couldn't say what they did.
- Q Who returned to the Cherokee Nation with Mose Hardrick? Old man Jeff and my uncle.
- Q What is his name? A Tom Moore, and Uncle Butler McNair as well as I remember, and I didn't know who else of them moved right on the Doctor Thompson place.
- Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes sir.
- Q Is he the Thomas Moore that lived up there now? A No, that is my brother.
- Q The Thomas Moore that lives up there now he come back with his father didn't he? A He come back with me and my stepfather; that's my brother.
- Q Were you a witness in this case before the Kern-Clifton Commission? A No sir.
- Q Were you a witness in this case before John W. Wallace when the Wallace Roll was made? A No sir.
- Q You knew the same folks then that you know now didn't you? A Yes sir.
- Q In what year was the Wallace payment? A Wallace payment, it seems to me like it was in, I declare that's kinder slipped my mind, it was '94 though I think; I forget just what year that was.
- Q Your best judgment is it was '94? A I don't say positively.
- Q How old is your eldest child Mr. Moore? A How old is my oldest child; my oldest child is about 26 years old I think.
- Q In what year was it born? A What year was she born?
- Q Yes sir? A Born in '73 or '4.
- Q About 26 years old now? A I think she is; she aint quite 26; she will be 26 her birthday.
- Q You don't know much about dates do you, Mr. Moore? A I don't know just to come down to dates; of course I have to kind of think over the time a little but I never keep no dates.
- Q After you think you don't know much more about it than do you?

BY HASTINGS: Don't answer that; I object to it; it is irrelevant and immaterial and non-sensical.

BY COMMISSION: Objection is sustained.

BY HASTINGS:

Q Now nelse, in answer to a question awhile ago from me you stated that Andy Frye come down with Mose Hardrick in the spring of '67? Did you intend to say that? A No sir, I didn't intend to say it, Andy Frye and uncle Tebe schrimsher and uncle Peter Williams and them come down in the spring of '66, but Mose Hardrick didn't come with them; I didn't intend to say that, because I knew that wasn't so.

Q Who did you intend to say Mose Hardrick come with? A Uncle Tom and Uncle Butler and Uncle Jeff Lyons.

BY BROWN:

Q You testified in the Ned Lyons case didn't you? A Ned Lyons?

Q Yes sir, you knew Ned Lyons? A I knew him, but I never did testify in it.

Q Didn't you testify in his case in which you testified to the return of old man Lyons? A No I didn't.

Q You swear that positively? A Yes sir, if I did I don't know when it was.

Q Why did you mention the time that Andy Frye and Peter Williams returned to the Cherokee Nation? ~~xxxxxxxxxxxx~~ A I was asked that.

Q By whom? A Didn't you ask me that?

Q In your direct examination, when Mr. Hastings asked you who returned to the Cherokee Nation, with Mose Hardrick, why did you mention the name of Andy Frye and Peter Williams? A Because he asked me when did he come.

Q Why did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question.

Q That's why you stated it? A Time they come.

Q That's the time they come; all right, that's all.

BY MR. HASTINGS:

Cherokee Nation offers in evidence a part of the record from a docket of the doubtful cases of citizens tried in the Cherokee Nation in 1871, which shows the following:

Mose Hardrick and Family, too late, decided against defendant June 6, 1871."

The same being taken from a page at the top of which appears the following:

"Delaware,

Colored Doubtful Roll."

Said book being labeled,

"Docket of Doubtful Cases, Cherokee Citizenship, tried in 1871."

~~xxxxxx~~

On the fly leaf of said book appears the following,

"Docket of applicants Cherokee Citizenship, 1871, Honorable Chief Justice R. B. Daniel, W. H. Turner, Clerk."

BY BROWN:

Objected to, for the reason that the page upon which it occurs has the head line "Doubtful roll, of Colored People", and for the further reason that it is incompetent and for the further reason that the Cherokee Nation has not shown that the applicant was present at the sitting.

BY COMMISSION: Objection will be duly noted.

BY HASTINGS:

The Cherokee Nation offers in evidence the following from page 35 of Records of the Cherokee Nation entitled "Docket of the Chambers Commission on Citizenship:"

"Moses Hardrick appl'd 3rd Jan'y '78; set for 10 July, continued, 24 July."

A marginal note in red ink at the side of this entry is as follows:

"Decree adverse to claimant."

BY BROWN: This is objected to on the grounds that while this record shows that the case was set for the 10th of July

and continued until the 24th of July, it does not show that this application was ever heard; and for the further reason that the Cherokee Nation has not proved that the applicant Moses Hardrick in this case ever applied to the Chambers Court for admission to citizenship.

BY COMMISSION: Objection will be duly noted.

BY HASTINGS: I reckon there is no contention that these records are part of the records of the Cherokee Nation.

BY BROWN: Oh no.

BY COMMISSION: This testimony will be filed and made a part of the record in the case at bar, and the following Freedmen Doubtful cases: 201, 331, 372, 320, 321 and 192.

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 6th, 1902.

T. B. Needles,

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

Supplemental testimony and proceedings in the matter of the application of NEATIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Mallette & Smith, attorneys for applicant.
W. W. Hastings, attorney for Cherokee Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows:

Mr. Hastings: What is your name? A E. J. Clayton.

Q What is your age? A I was 58 years old the 22d of February last.

Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.

Q When did you come to the State of Kansas?

A I got here on the 7th day of September, 1867.

Q Did you know a colored man by the name of William Martin? A Yes sir.

Q Did you know his wife? A Yes sir.

Q What was her name? A We called her Oneada.

Q When did you become acquainted with the husband and wife?

A I suppose about the 12th, I think. I put a wagon tongue in in the shop on the 12th of September, as near as I can remember.

Q What was Bill Martin doing? A Blacksmith.

Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.

Q You did work at the wagon trade for that winter? A Yes sir.

Q The winter following September 1867? A Yes sir. The winter and spring of 1867 and 1868.

Q It was the winter after you got to Kansas? A Yes sir.

Q How long did you continue to know this family, Martin and his wife? A I knew them until 1878, I think, I forget just now. He died there about that time, right south of me right on Roach's place.

Q Have any family? A Yes sir, had several children.

Q Know any of them? A Yes sir, but I have forgotten their names.

Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.

Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen him there, but never knew anything about him afterwards.

Q He lived around there until 1876? A Yes sir.

Q How long after you come there before you got acquainted with him in the fall of 1867?

A Both worked together in the shop. Worked all together. He had two more brothers there.

Q What were their names?

A One was Tobe and the other was Payt, I think he was older than Bill or Lou either one. Payt was the next one.

Q How long did you know Tobe? A Until about 1876.

Q He was a brother to Louis and Bill Martin? A Yes sir.

Q And a brother to Peyton Martin? A Yes sir.

Q Did you know Peyton Martin? A Yes sir, knew him well.

Q How long did you continue to know Peyton Martin up there?

A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1869, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow, I forget which.

- Q Did he run away?
A Yes, but they caught him and brought him back, but did not appear against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.
- Q That was in 1869? A Yes sir.
- Q Did you know him continuously from 1867 to 1869.
A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.
- Q Did you know Peyt's wife? A Yes sir.
- Q Did you know who he married?
A A girl by the name Hannah Sheals.
- Q Do you know a brother of Oneadie Martin's, Jack Bean?
A Yes sir, I know him too.
- Q When did you first know him?
A It could not have been later than the middle of September, 1867.
- Q How long did you know Jack Bean? A He left there in 1868.
- Q Was he living there when you came there in 1867?
A Yes sir, he had made a crop up there that summer.
- Q He had a family? A Yes sir, he said he had, I never seen his family to know them.
- Q Did you know a colored man by the name of Tobe Bean?
A Yes sir. He was a brother to this Martin's wife, he said.
- Q How long did you continue to know Tobe Bean up there?
A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.
- Q You and Bill Martin, the husband of Oneadie, worked together in the shop in the fall of 1867? A Yes sir.
- Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.
- Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?
A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.
- Mr. Hellette: What is your name? A E. J. Clayton.
- Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?
A I don't know whether he is an applicant for enrollment or not.
- Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.
- Q You will swear that it was the Tobe Bean you know?
A Yes sir, the brother of Oneadie Martin.
- Q When did you know him first?
A He was there around the shop all the winter of 1867, pretty much.
- Q The winter of 1866 and 1867, you mean?
A No sir, I was not here, it was 1867.
- Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.
- Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.
- Q When did Oneadie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.
- Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.
- Q You said 1877? A I said it was in 1877 when she came to the Cherokee Nation, 1877 or 1878.
- Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.
- Q Where was Oneadie Martin in 1867?
A Lived on Roach's place, right south of Mapleton there.
- Q Did she come to the Cherokee Nation in the fall of 1866?
A I was not here in 1866.

- Q When did you move to Kansas? A Moved in 1867.
- Q Was Neadie Martin in Kansas when you come there? A I think she was.
- Q Do you remember her? A Yes sir.
- Q How long ago has it been? Q Since 1867?
- A Thirty-three or four years.
- Q When were you first asked to remember back that far as to those people?
- A Never asked to remember back to them people.
- Q When were you first talked to about being a witness in this case?
- A About two or three hours ago. You mean about this Neadie Martin case, two or three hours ago.
- Q When were you first asked anything about any of these colored people up there, when you first knew them? & When were you first talked to about being a witness in any of these cases?
- A A weel or two ago, I guess.
- Q You have not seen any of these people since they left Kansas, have you? A No sir.
- Q You don't know anything about them? A No sir.
- Q That is a long time to remember? A I guess it is.
- Q You keep in your mind clearly all the names of these different colored people, do you?
- A Yes, and a whole sleugh more of them that live there.
- Q Why do you remember their names so distinctly?
- A They worked for me. This Neadie Martin washed for my wife.
- Q You remember Tobe? He is a brother to Bill Martin?
- A I think he was the oldest one of them.
- Q What county was that in? A Bourbon County, Kansas.
- Q How far from the Cherokee Line? A About 75 miles.
- Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
- A I know that he was. That is, I know that there was a Tobe Bean there.
- Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
- Q What time did you see him? A He was around the shop in the winter.
- Q When, of 1867? A Yes sir.
- Q That would throw him into the year of 1868 too?
- A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
- Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
- Q The Tobe Bean that you are talking of? A Yes sir.
- Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
- Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
- Q Never went away? A I never missed him if he did. He was around the shop there.
- Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?

A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:

D-388, D-399, D-390, D-412, D-205, D-289, D-656, D-657, D-658, D-911, D-840, D-304, D-313, and in the case at bar.

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

Wm. Hutchinson.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the above copy and that the same is a true and complete copy of the original.

R. G. Rothenberger.

Subscribed and sworn to before me this 14th day of April, 1902.

SEAL.

Philip G. Neuter,
Notary Public.

The undersigned, being first 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.

Ray Palmer

Subscribed and sworn to before me this 30th day of July, 1902.

Bruce G. Jones
Notary Public.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

Hardrick

In the matter of the application of *Nelson*

for enrollment as a Cherokee Freedman.

No. F. D. *272*

Henry Pack

of lawful age, being duly sworn on
oath states that on the *10* day of *September*, A. D., 1901, he registered
to *Nelson Hardrick* whose postoffice is *Ketchum*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at **Fort Gibson, I. T.** Indian Territory;

and that on the *18* day of *September*, 1901, he received the return
card which is hereto attached, signed by the said *Nelson Hardrick* showing
that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the *18* day of *Sept* A. D. 1901.

Notary
Notary Public.

Handwritten initials

72 372

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

FILED
SEP 13 1901



ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Nelson Hardrick
for enrollment as a Cherokee Freedman:

Case No F. D. 272

To Nelson Hardrick

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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on the following dates, to-wit: *Oct. 3d* at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **SEP 10** 1901.

B. B. Bell
Attorneys for the Cherokee Nation.

"2"

File with Cherokee Freedman D-272 Nelson Hardrick et al.

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

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in
the matter of the application of Moses Hardrick for enrollment as
a Cherokee Freedman. D-314.

Appearances:

Louis T. Brown, as agent for the applicant;
W. V. Hastings, of attorneys for the Cherokee Nation.

G. W. CLARK, being sworn and examined testified as follows:

BY HASTINGS:

- Q What is your name? A G. W. Clark.
- Q Mr. Clark, you are a Cherokee citizen by blood? A Yes sir, Cherokee by blood.
- Q How old are you? A I am coming birth-day 59 years old.
- Q Your post-office address is Vinita? A Yes sir.
- Q Mr. Clark, you were in the Union army were you, during the war? A Yes sir, I was in the Union army during the war.
- Q Mr. Clark, have you been a member of the Cherokee Senate and Council both? A Yes sir, I represented in the Senate and Council both.
- Q You once lived in Saline District I believe? A Yes sir, I lived in Saline and Delaware.
- Q Were you also District Solicitor of Saline District were you? A Yes sir.
- Q You were also Circuit Judge of the Northern Circuit? A Yes sir, I served for eight years.
- Q I will ask you if you know a colored man who formerly lived on Grand river south of Vinita but who now lives in the neighborhood of Chelsea, I. T., by the name of Moses Hardrick? A Yes sir, I was very well acquainted with Moses Hardrick.
- Q I will ask you first when you married? A I married on the 8th of June, 1865, mustered out of the service on the last day of May and married eight days afterwards.
- Q Now where did you locate? A I located on Lynch's prairie that fall; went up there that coming fall of '65; stayed up there on this side of the river.
- Q How far is that from Island Ford on Grand river? A About five miles.
- Q How long did you stay there? A Why we stayed there one year, went there in the fall of '65, and moved from there in the fall of '66; I moved up then in the neighborhood of where this fellow claimed that he lived, up about seven or eight miles from there in what is known as six mile bottom, right opposite the river from the Doctor Thompson place, Bob Daniels' place, that neighborhood, in Delaware District.
- Q You then moved in the fall of '66 just across the river from the Bob Daniels' or Doctor Thompson's place? A Yes sir.
- Q And I believe you say about two miles? A About two or two and a half miles.
- Q You already stated you knew Moses Hardrick? A Yes sir.
- Q Did you know him before the war? A Yes sir, I knew him before the war; I lived and worked on the place where his master lived.
- Q Is that at Park Hill? A Yes sir; he used to belong to Lewis Ross but Lewis Ross gave him to his daughter; I first got acquainted with him he belonged to George A. ~~Wright~~'s wife; she was a Cherokee, Lewis Ross' daughter and lived at Park Hill.
- Q That was in the Cherokee Nation? A Yes sir, Tahlequah District.

Q Well now, how long did you continue to live at the place you moved to in the fall of '65 within two miles as you state of Doctor Thompson and Bob Daniels' place? A I think I lived there until '72.

Q Some five or six years? A Yes sir.

Q Then did Rose Wardrick return to the Cherokee Nation? A My recollection that he moved back from Kansas in the spring of '67, along late in the spring after grass was up.

Q Was he up there in that neighborhood when you moved there in the fall of '65? A No sir, he didn't live there.

Q You knew him before the war, as you stated? A Yes sir.

Q And you knew him when he came back? A Yes sir, I knew him when he came back.

Q You were well acquainted in that neighborhood? A Oh yes, I knew everybody in the neighborhood. There wasn't so many of us then.

Q You were in the Union army? A Yes sir. There was some colored people that come back and lived on that Doctor Thompson place in '65; Andy Frye and Peter Williams and an old fellow who used to belong to Martin Schrimsher, Tobe Schrimsher, his name was; he is dead.

Q You are positive that Rose Wardrick was not there in that winter of '66? A No sir, he was not there; he didn't live there.

BY BROWN:

Q Then did you say you returned to the Cherokee Nation after the war? A When did I return?

Q Yes sir? A Well I just stopped here all the time.

Q You went out during the war didn't you? A No sir, I soldiered mostly in the Cherokee Nation; I was stationed there at Fort Gibson.

Q Where did you say you lived in the fall of '66? A In the fall of '66?

Q Yes sir? A I lived in Cooweescoowee District, down below Lench's Prairie, on this side of the river.

Q You mean Delaware district? A No, I mean Cooweescoowee district. It was Cooweescoowee then.

Q At that time? A Yes sir.

Q What is it now? A It is Cooweescoowee yet; and then I moved across, to go straight across, I will give you an idea about it so you can ask whatever question you want to: (illustrates) the river makes a bend here and then comes up here and makes another bend and going from here up to here it's near about eight miles, and in the fall of '66 after I made a crop there I went across here about eight miles and around this way it is about twenty, so eight miles up here put me in Delaware District right close to where this man stated he lived, close to Bob Daniels place.

Q Now until the fall of '66 until the fall of '67 you lived you say about eight miles? A No I lived in about two miles of Doctor Thompson place but moved there in Delaware in December.

Q In your direct examination didn't you state that from the fall of '66 until the early part of '67 you lived in about eight miles of the Bob Daniels or Doctor Thompson place? A No, I said I lived there in the fall of '65 until the fall of '66, I only staid there one year and then in the fall of '66 I moved up to near Bob Daniels.

Q Where were you the Christmas of '66? A Christmas of '66 I was up here on this place; you see I moved there about the first of December, just about the time Council adjourned.

Q You moved in this neighborhood about the first of December, '66? A Yes sir.

Q Prior to that time how far did you live from this place? A About twelve miles, by going straight through and crossing the river three times.

Q But you wouldn't go that way? A Yes sir, when the river was down. Around this other way it would have been 25 or 30 miles.

- Q Now from July '66 until the first of December, '66 you were in twelve miles of the Doctor Thompson place? A How did you put your question?
- Q From say about July '63 until the first of December '66 you were in twelve miles ~~at~~ away from the Doctor Thompson place?
- Q No if I moved that fall or December that was my first time I lived there, up there in that Delaware District.
- Q Well now you claim that you moved in two miles of the Doctor Thompson place in December '66? A Yes sir.
- Q Well now where were you living prior to that time? A I was living below there.
- Q About how many miles? A About twelve miles.
- Q Then you were ~~there~~ not therein that neighborhood as a resident from July '63 until December '66 were you, during that period?
- A I passed through there several times but I didn't live there of course.
- Q In passing through there people could have been there and you not have known it? A Of course they might have been hid around there, but they were not publicly there.
- Q You didn't go to everybody's house did you? A There wasn't but very few there to go to.
- Q Did you go to all of those houses? A No.
- Q This applicant might have been at some of those houses and you not have known it? A Well he wasn't to my knowledge.
- Q But might he not have been there and without your knowledge?
- A Of course I reckon you can make a mistake about it that he might have been there, but I didn't know it.
- Q You don't know when everybody returned to the Cherokee Nation do you? A Come might near knowing when all the Freedmen returned in there in that neighborhood.
- Q But you go around the neighborhood twenty-five miles away would you know? A No I don't know as I would, if he come there and keep himself hid.
- Q What is your best judgment as to when you saw this applicant in the Cherokee Nation after the war? A Spring of '37., he moved there, working an old gray horse and a bay one, and I lived close to him and I think I let him have corn to plant the first crop; it after grass raised; I think they come down on the grass.
- Q What month would you say it was? A About the last of April.
- Q That was the first time you saw him after the war? A Yes sir, after the war.
- Q You are not prepared to state that he was not in the Cherokee Nation before that time? A Oh no, I was not over the Nation.
- Q You are not prepared to state that from July '66 to December '66 he was not in the neighborhood there somewhere? A I am prepared to say he didn't make a crop there in '66.
- Q Well in the spring of '66 where were you? A I was living there on the river.
- Q That was about twelve miles from the Doctor Thompson place where this man claims to have returned isn't it? A Yes sir.
- Q Now you are not prepared to say that he didn't return to the Cherokee Nation in that vicinity in the spring of '66? A Yes sir, I am prepared to say I don't think anybody lived there, that there was no crop made on the Thompson place in '66; those that come there, Andy Frye, in the first settlement, didn't come until the fall of '66.
- Q But now are you prepared to state positively that Jose Wardrick didn't return to the Cherokee Nation in the neighborhood of the Dr. Thompson place in the spring of '66? A Not of my personal knowledge he didn't.
- Q There was a dance up there at Millie Frye's in December '66, about Christmas? A There was, a little before Christmas, I don't know as it was Millie Frye's; there was a dance in the fall at Bob Daniels' place, Arch lived there then.

- Q Do you know Anderson Lynch, better known as "Crap" Lynch?
A Yes sir.
- Q He was in the Cherokee Nation in '66? A Yes sir, he was at that dance.
- Q If he swore that he saw this applicant Rose Wardrick at that dance in December '66, are you prepared to say that isn't so?
A I am prepared to say he told a lie.
- Q Were you there at the dance? A Yes sir.
- Q Go ahead and tell me every person that was there? A I had been shaking all the summer of '66 and they promised me if I would go up there they would let me have a half a gallon of whiskey, and I went there, and ~~knowed~~ he didn't come until very late in the night and I never got it and turned my horse in the field, and after I got my whiskey I couldn't catch my horse and had to stay there until after daylight.
- Q What time did you get there? A About sundown.
- Q Who was at that dance? A About all the colored people that lived in that neighborhood.
- Q Name them? A Arch Landrum, Lewis Rowe, George Johnson was there particular, and I aint sure whether Al Lynch was there or not.
- Q Who else? A Well I know Rose wasn't there.
- Q Well who else was there? A Well there was several there, I don't know whether that was all; them is the prominent ones that I recollect.
- Q Well some of them that's not so prominent? A I don't remember it now, that's the hard part of it.
- Q Then your memory isn't clear as to who all was there? A My memory is clear that Rose wasn't there.
- Q It isn't clear as to who all was there? A No sir I don't know as I could name them.
- Q Crap had fiddled around at that dance some didn't he? A Yes sir he fiddled some. Him and George together.
- Q What time did you go to bed that night? A I don't know as we got to ~~had~~ go to bed, about the time we got a pallet down on the floor uncle Jess Cockrum raised a row and went stepping around over the people, and busted up the dance, and we didn't sleep much until daylight.
- Q You have been a witness ina great many cases haven't you? A Not a great many, not so near as many as I could.
- BY ASTINGS:
Q Crap Lynch has been a witness in a great many? A I think he has; I have heard his testimony.
- Q He is known to be the biggest liar up in that country aint he?
I think if you got after a man for perjury you could get him.
- BY BROWN: I ask that this be stricken from the record, for the reason that it is merely a matter of opinion of this witness and it is incompetent.
- BY COMMISSIONER: Objection will be noted and testimony will be considered for what it is worth.
- Q I will ask what Crap Lynch's reputation is for truth and veracity if you know it? A It aint very good.
- Q Mr. Clark, you say that the country was thinly settled in '66 in December of '66? A Yes sir.
- Q You knew when people come in from the states, strangers, didn't you? A Oh yes; there wasn't many strangers in the country at all, very few at all moved in the country.
- Q I will ask you out there on your place up to this time you don't know when people come in?
BROWN: Objection, because it is leading.
- Q There is a great many come here now, I pay no attention to it, at all.
- Q I will ask you if at that time you knew in those neighborhoods when people returned, say within four or five miles of where you lived? A I will answer it in this way: if it is all right, with an example: I used to go to Vinita after it was there, say along

in '80, and I knew every man that was in the place; now I go there I don't know hardly one tenth of the population, of the emigration.

Q I am taking you back in '66 and '67? A It was worse then than it is now, we knew everybody.

Q You knew them then? A Yes sir.

Q You know where Rose Hardrick came or claimed he came from when he came there in the spring of '67? A Oh yes, he claimed he come from ~~the~~ ~~the~~ Kansas; I know when he left there and went to Kansas. I was very intimately acquainted with Rose; he belonged to George A. ~~the~~ ~~the~~ Jurrell and I worked for Jurrell. We both drove six mules at the saw mill; I worked there before the war after my mother died.

NELSON POORE, being sworn and examined, testified as follows:

BY THE COURT:

Q What is your name? A Nelson Poore.

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

Q Your name on the 1880 roll? A Yes sir.

Q What is your age? A Forty-eight.

Q Where do you live? A In Delaware district.

Q What is your post-office? A Ketchum.

Q Who did you belong to before the war? A Elowie Butler and Darkey Butler, that was his wife, full-bloods.

Q Did you go out of here during the war? A Yes sir.

Q When did you come back, Nelse? A Fall of '65.

Q Where did you come to? A To the first place we come to the old Doctor Thompson, Johnson Thompson place, and then from there to the Bob Daniels' place.

Q Now when did you move to the Bob Daniels place? A Right that same fall, to the Bob Daniels place.

Q In the fall of '65? A Fall of '65.

Q Where did you live in the year of '65? A We lived on the same place, Bob Daniels place.

Q How long did you live there? A We stayed there until the winter of '67.

Q You know a colored man that used to live in that neighborhood by the name of Rose Hardrick? A Yes sir.

Q Did you see Rose Hardrick in the year of '65? A No sir.

Q Did you see him in the year of '66? A No sir.

Q When, if you know, did Rose Hardrick return to the Cherokee Nation after the war? A Well the first time I saw him was in the spring of '67.

Q About what time in the spring? A Well it was along about April or May, as well as I can remember.

Q You know where he come from? A Well he said he come from Kansas. I don't know just what part.

Q You know who he came with? A Yes sir.

Q Well tell us? A Andy Frye and Uncle Tobe Schrumsher and old uncle Peter Williams and Jack Beno, he is dead now though.

Q Had Andy Frye been down here before? A No sir, not that I know of, no sir.

Q You never saw him there then until in the spring of '67? A Spring of '67 is the first time I ever saw him.

BY THE COURT:

Q Mr. Poore, you know Billie Frye? A Yes sir.

Q Do you know when Billie Frye and Andy Frye married? A No sir, I don't.

Q About when? A I don't know at all. I couldn't tell you.

Q Were they married when you came up? A I couldn't tell you that, I never saw them until ~~after~~ they come there.

Q You never knew her until after the war? A Not until she moved there in the fall of '65, or '66.

Q Well now you say Andy Frye returned in '67? A '66.

Q You said '67 awhile ago? A '66, if I said '67 it is a mistake.

Q '66 is when they returned; you say Rose Hardrick returned with

him? A No sir, he didn't come with Andy.

Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Schriener returned to the Cherokee Nation with Jose Wardrick? A No sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.

Q And is on the 1850 roll? A Yes sir.

Q Andy come in the spring of '67? A Fall of '66 I say, when Andy come it was in the fall of '66.

Q About how many weeks was that after Andy come until Jose Wardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.

Q Well about how many weeks, would you think? A I don't know.

Q How many months? A Oh it would be to the best of my recollection it would be about 5 or 4 or 5 or 6 months, I wouldn't say positively because I don't know exactly.

Q Now did you fix the month in which Jose Wardrick returned to the Cherokee Nation? A Now did I fix it?

Q Yes sir? A I don't understand what you mean by that.

Q You said he returned in about April or May? A I said as well as I remember it was April or May; it was after grass was up.

Q You remember the grass being up? A Yes sir.

Q Now does the fact that the grass was up connect with in your mind with Jose Wardrick's return? A I tell you about my recollection of it being in the spring of '67; Jose Wardrick, Andy Frye and my step-father and Arch Landrum, Uncle Ruben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.

Q To a census taker? A Yes sir, to a census taker; that was in '67 what month was that? A That was about June or July as well as I remember.

Q They took census in '67 did they? A I reckon they did, that's what they said; they all went off; I couldn't say what they did.

Q Who returned to the Cherokee Nation with Jose Wardrick? A Old man Jeff and my uncle.

Q What is his name? A Tom Moore, and Uncle Butlerclair as well as I remember, and I didn't know who else of them moved right on the Doctor Thompson place.

Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes sir.

Q Is he the Thomas Moore that lived up there now? A No, that is my brother.

Q The Thomas Moore that lives up there now he come back with his father didn't he? A He come back with me and my stepfather; that's my brother.

Q Were you a witness in this case before the Kern-Clifton Commission? A No sir.

Q Were you a witness in this case before John W. Wallace when the Wallace Roll was made? A No sir.

Q You knew the same folks then that you know now didn't you? A Yes sir.

Q In what year was the Wallace payment? A Wallace payment, it seems to be like it was in, I declare that's kinder slipped my mind, it was '94 though I think; I forget just what year that was.

Q Your best judgment is it was '94? A I don't say positively.

Q How old is your oldest child Mr. Moore? A Now old is my oldest child; my oldest child is about 25 years old I think.

Q In what year was it born? A What year was she born?

Q Yes sir? A Born in '73 or '4.

Q About 26 years old now? A I think she is; she aint quite 26; she will be 26 her birthday.

Q You don't know much about dates do you, Mr. Moore? A I don't know just to core down to dates; of course I have to kind of think over the time a little but I never keep no dates.

Q After you think you don't know much more about it than do you?

BY HASTINGS: Don't answer that; I object to it; it is irrelevant and immaterial and non-sensical.

BY COMMISSION: Objection is sustained.

BY HASTINGS:

Q. Also, in answer to a question awhile ago from me you stated that Andy Frye come down with Pose Wardrick in the spring of '67? Did you intend to say that? A No sir, I didn't intend to say it, Andy Frye and uncle Tobe Schrimsher and uncle Peter Williams and they come down in the spring of '66, but Pose Wardrick didn't come with them; I didn't intend to say that, because I know that wasn't so.

Q. Who did you intend to say Pose Wardrick come with? A Uncle Tom and Uncle Butler and Uncle Jeff Lyons.

BY HASTINGS:

Q. You testified in the Ned Lyons case didn't you? A Ned Lyons?

Q. Yes sir, you know Ned Lyons? A I know him, but I never did testify in it.

Q. Didn't you testify in his case in which you testified to the return of old Dan Lyons? A No I didn't.

Q. You swear that positively? A Yes sir, if I did I don't know where it was.

Q. Who did you mention the time that Andy Frye and Peter Williams returned to the Cherokee Nation? A I was asked that.

Q. By whom? A Didn't you ask me that?

Q. In your direct examination, when Mr. Hastings asked you who returned to the Cherokee Nation, with Pose Wardrick, why did you mention the name of Andy Frye and Peter Williams? A Because he asked me when did he come.

Q. Who did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question.

Q. That's why you stated it? A Time they come.

Q. That's the time they come; all right, that's all.

BY MR. HASTINGS:

Cherokee Nation offers in evidence a part of the record from a docket of the doubtful cases of citizens tried in the Cherokee Nation in 1871, which shows the following:

"Pose Wardrick and family, too late, decided against defendant June 6, 1871."

The same being taken from a page at the top of which appears the following:

"Delaware,
Colored Doubtful Roll."

Said book being labeled,

"Docket of Doubtful Cases, Cherokee Citizenship, tried in 1871."

On the fly leaf of said book appears the following,

"Docket of applicants Cherokee Citizenship, 1871, Honorable Chief Justice R.B. Daniel, W.M. Turner, Clerk."

BY EPOT:

Objected to, for the reason that the page upon which it occurs has the head line "Doubtful roll, of Colored People", and for the further reason that it is incompetent and for the further reason that the Cherokee Nation has not shown that the applicant was present at the sitting.

BY COMMISSION: Objection will be duly noted.

BY HASTINGS:

The Cherokee Nation offers in evidence the following from page 35 of Records of the Cherokee Nation entitled "Docket of the Cherokees Commission on Citizenship:"

"Pose Wardrick appl'd 3rd Jan'y '73; set for 10 July, continued, 24 July."

A marginal note in red ink at the side of this entry is as follows:

"Decree adverse to claimant."

BY HASTINGS: This is objected to on the grounds that while this record shows that the case was set for the 10th of July

and continued until the 24th of July, it does not show that this application was ever heard; and for the further reason that the Cherokee Nation has not proven that the applicant Moses Herbrick in this case ever applied to the Chancery Court for admission to citizenship.

BY COMMISSIONER: Objection will be duly noted.

BY COUNSEL: I reckon there is no contention that these records are part of the records of the Cherokee Nation.

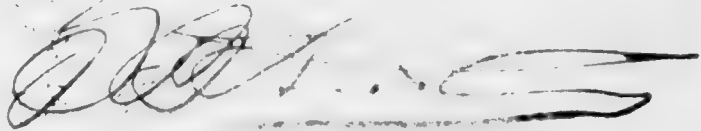
BY COURT: Oh no.

BY COMMISSIONER: This testimony will be filed and made a part of the record in the case at bar, and the following Freedmen Doubtful cases: 201, 331, 272, 320, 321 and 192.

J. 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.

J. D. Green

Subscribed and sworn to before me this February 6th, 1902.



Commissioner.

F. D-272.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of Nelson Hardrick for the enrollment of himself, wife and children as Cherokee freedmen.

SUPPLEMENTAL TO D-272.

In the matter of the application of Sarah Bean for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-201.

In the matter of the application of Silas Hardrick for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-192.

Cherokee Nation represented by W. W. Hastings.

MR. HASTINGS: The Cherokee Nation asks that the testimony introduced in the case of Moses Hardrick, D-314, be made a part of the record in these cases.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the 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 2nd day of July, 1902.

(Seal)

H. F. Renter
Notary Public.

G. M. McR.

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

In the matter of the application of Thomas Mayfield et al., for enrollment as Cherokee freedmen, consolidating the applications of --

Thomas Mayfield	Cherokee Freedmen D-200
Charles Mayfield et al.,	Cherokee Freedmen D-202,
Malinda Martin,	Cherokee Freedmen D-206,
Emma Blue,	Cherokee Freedmen D-354,
Moses Hardrick,	Cherokee Freedmen D-314,
Silas Hardrick	Cherokee Freedmen D-192,
Sarah Pean,	Cherokee Freedmen I-201,
Nelson Hardrick et al.,	Cherokee Freedmen D-27,
William Hardrick et al.,	Cherokee Freedmen D-320,
Eliza J. Hardrick et al.,	Cherokee Freedmen D-321,
Mary Hardrick et al.,	Cherokee Freedmen D-331

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Thomas Mayfield for himself, among others; the other parties to this application being differently classified are not embraced in this decision; by Charles Mayfield for himself and wife, Marcie, and minor children, Thomas, Richard, Lillie, Alice and James Mayfield; by Joseph Martin for his wife, Malinda Martin, among others; the other parties to the application being differently classified are not embraced in this decision; by Emma Blue for herself; by Moses Hardrick for himself; by Celia Hardrick for her husband, Silas Hardrick, among others; the other parties to the application being differently classified are not embraced in this decision; by Lewis Pean for his wife, Sarah Pean, among others; the other parties to the application being differently classified are not embraced in this decision; by Mary Hardrick, nee Baldrige, for herself, her husband, Nelson Hardrick, and minor children, Rebecca Owens, Susie Owens and Precilla Hardrick, and minor stepchildren, Malinda and Leroy Hardrick; by William Hardrick for himself and minor children, Habel and Leon Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch, and by Mary Hardrick, daughter of Moses Hardrick, for herself and minor children, Amos and Jackson Lonien.

The evidence shows that the said Thomas Mayfield, Charles Mayfield, Maggie Mayfield, nee Ross, Moses Hardrick and Eliza J.

Hardrick were all slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto nor establishing residence there in within the time specified in the decree of the Court of Claims rendered on December 3, 1903, in the case of James W. Wither, trustee, etc., vs. Cherokee Nation, No. 11,141, for the return of Cherokee freedmen to their nation. It is further stipulated herein, except Mary Hardrick, son of Aldridge, 12th of March 1861, the son since deceased, and son of the late John Aldridge, son of John Aldridge, and daughter of the late Thomas Aldridge, Charles Mayfield, Harry Mayfield, son of Harry Mayfield, and son of Harry Mayfield, Hardrick and Mary Hardrick, daughter of James Hardrick, were born after the commencement of said rebellion and before their parents returned to the Cherokee Nation, and all of said other applicants have been dead in said Cherokee Nation since 1865. It is also stipulated that the said James W. Wither, trustee, etc., vs. Cherokee Nation, No. 11,141, rendered on December 3, 1903, is a final decree of the Court of Claims.

The evidence in this case is as follows: James W. Wither, trustee, etc., vs. Cherokee Nation, No. 11,141, rendered on December 3, 1903, is a final decree of the Court of Claims. It is stipulated that the said James W. Wither, trustee, etc., vs. Cherokee Nation, No. 11,141, rendered on December 3, 1903, is a final decree of the Court of Claims. The evidence in this case is as follows: James W. Wither, trustee, etc., vs. Cherokee Nation, No. 11,141, rendered on December 3, 1903, is a final decree of the Court of Claims.

In the case of James W. Wither, trustee, etc., vs. Cherokee Nation, No. 11,141, rendered on December 3, 1903, the Court of Claims rendered a final decree. The evidence in this case is as follows: James W. Wither, trustee, etc., vs. Cherokee Nation, No. 11,141, rendered on December 3, 1903, is a final decree of the Court of Claims. The evidence in this case is as follows: James W. Wither, trustee, etc., vs. Cherokee Nation, No. 11,141, rendered on December 3, 1903, is a final decree of the Court of Claims.

I hereby certify that the foregoing is a true and correct copy of the original file of this case as it appears in the files of the Commission on Indian Claims.

Signed _____ Chairman.
 Signed _____ Commissioner.
 Signed _____ Commissioner.

Muskogee, Indian Territory,
 this Apr. 20, 1904.

S.

Vinita, Indian Territory, May 21st, 1901.

Nelson Hardrick, Esq.,

Ketchum, Indian Territory.

Sir:—

When you applied for the enrollment of yourself and family, as Freedmen of the Cherokee Nation, you advised the Commission that the age of your daughter, Precilla Hardrick, was five years. We are not in receipt of a birth certificate from which it appears that she was born November 20th, 1900. Please advise the Commission promptly as to the correct age of this child.

Very respectfully,

Commissioner.

In answering refer to
Cherokee F. #2272.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
35416-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to inclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 24, 1904, transmitting the record of the consolidated application for enrollment as Cherokee freedmen under the act of Congress, approved June 28, 1898 (30 Stat. 495) by Thomas Mayfield, for himself; by Charles Mayfield for himself and wife, Maggie and minor children Thomas, Richard, Lillie, Alice and James Mayfield; by Malinda Martin for herself; by Emma Blue for herself; by Moses Hardrick for himself; by Silas Hardrick for himself; by Sarah Bean for herself; by Mary Hardrick born Baldrige, for herself, her husband, Nelson Hardrick and minor children, Rebecca Owens, Susie Owens and Precilla Hardrick and minor step-children, Malinda and Leroy Hardrick, by William Hardrick for himself and his minor children, Mabel and Lena Hardrick; by Eliza J. Hardrick for herself and her minors Arthur, Ethel, Mattie and Claude Lynch, and by Mary Hardrick, daughter of Moses Hardrick for herself and minor children, Amos and Jackson Lenien.

April 20, 1904, the Commission decided favorably to Mary Hardrick, born, Baldrige, and her minor children Rebecca

Owens, Susie Owens and Precilla Hardrick, and unfavorably to the other applicants.

The record shows that the principal applicants, Thomas Mayfield, Charles Mayfield, Maggie Mayfield, born Ross, Moses Hardrick and Eliza Hardrick were all slaves of Cherokee citizens at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and that they returned thereto and established a residence therein, on or before February 11, 1867. All of the applicants who were of sufficient age are identified as Cherokee citizens on the Kern-Clifton roll. The applicants have been so enrolled and the Cherokee Nation seeking to debar them of their rights under said roll, the burden of proof rests with the Nation to show that they have been wrongfully enrolled.

In the case at bar, we have the unimpeached testimony of three witnesses who swear positively that the principal applicants returned to the Cherokee Nation (that being the point at issue), prior to February 11, 1867.

The Cherokee Nation produces four witnesses who did not see the applicants in the Nation prior to 1869. Such testimony cannot be considered as affecting the issue in any manner.

The Nation has presented the testimony of J. M. Johnson and George A. Campbell of Garnett, Kansas, who testify that the principal applicant Thomas Mayfield lived in Garnett from 1866 to 1868. Johnson appears to be a standard witness for the Cherokee Nation, in a large number of the Cherokee freedmen cases.

In view of the record it is recommended that so much of the Commission's decision as is favorable to Mary Hardrick and her minor children, Rebecca Owens, Susie Owens and Precilla Hardrick be approved, and that the Commission's action adverse to the other applicants be reversed and all of the applicants enrolled as Cherokee freedmen.

Very respectfully,

W. A. Jones

Commissioner.

M.M.M.
W.

(COPY)

D. C. 39650-1904 DEPARTMENT OF THE INTERIOR,
I. T. D. 6968-1904

J. P.
FHE
L. R. S.

WASHINGTON. October 13, 1904.

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

Gentlemen:

On August 30, 1904, the Commissioner of Indian Affairs submitted the consolidated Cherokee freedmen case of Thomas Mayfield, et al., and recommended that your decision of April 20, 1904, as to all the applicants except Mary Hardrick, formerly Baldrige, Rebecca Owens, Susie Owens and Precilla Hardrick, be reversed, and that you be directed to enroll all the applicants.

You found that Thomas Mayfield, Charles Mayfield, Maggie Mayfield, formerly Ross, Moses Hardrick and Eliza J. Hardrick were slaves of Cherokee citizens at the commencement of the rebellion; that they left the Cherokee Nation during said rebellion and did not return thereto and establish a residence within the time specified in the treaty of 1866; that all the other applicants except Mary Hardrick, formerly Baldrige, and her minor children, Rebecca Owens, Susie Owens, and Precilla Hardrick, are the descendants of said Thomas Mayfield, Charles Mayfield, Maggie Mayfield, Moses Hardrick and Eliza J. Hardrick; that Nelson Hardrick, and Mary Hardrick daughter of Moses Hardrick, were born after the commencement of the rebellion and before their parents returned to the Cherokee Nation; that all the other applicants have been born in the Cherokee Nation since 1866.

You held that Mary Hardrick, nee Baldrige, should be enrolled, together with her said children, but that the application for the enrollment of Thomas Mayfield, Charles Mayfield, Maggie Mayfield, Thomas Mayfield, son of said Charles Mayfield, and Maggie Mayfield, Richard Mayfield, Lillie Mayfield, Alice Mayfield, James Mayfield, Malinda Martin, Emma Blue, Moses Hardrick, Silas Hardrick, Sarah Bean, Nelson Hardrick, Malinda Hardrick, Leroy Hardrick, William Hardrick, Mabel Hardrick, Leona Hardrick, Eliza J. Hardrick, Arthur Lynch, Ethel Lynch, Mattie Lynch, Claud Lynch, Mary Hardrick daughter of said Moses Hardrick, Amos Lonien and Jackson Lonien, should be denied, under the provisions of section 21 of the act of June 28, 1898 (30 Stat., 495).

The Commissioner found that the principal applicants Thomas Mayfield, Charles Mayfield, Maggie Mayfield, formerly Ross, Moses Hardrick, and Eliza J. Hardrick returned to the Cherokee Nation and established a residence therein on or before February 11, 1867. As all of the applicants who were of sufficient age are identified as Cherokee citizens on the Kern-Clifton roll, he considers that as to such applicants "the burden of proof rests with the Nation to show that they have been wrongfully enrolled".

As to this, see opinion of the Assistant Attorney General of March 22, 1904, approved by the Department, in which it is stated:

"While the decree authorizes investigation of the claims of other than freedmen named in the roll of 1860, yet it is apparent that roll was considered by all parties to be approximated correct. Any one claiming the right to be added thereto should be required to assume the burden of proof and establish that right by satisfactory evidence."

The Commissioner concludes that the testimony introduced by the claimants is unimpeached, and states that the Nation produced four witnesses who did not see the applicants in the Nation prior to 1869; that such testimony cannot be considered as affecting the issue in any manner; that the Nation presented the testimony of J. M. Johnson and George A. Campbell, of Garnett, Kansas, who testified that the principal applicant Thomas Mayfield lived in Garnett from 1866 to 1868; but that Johnson "appears" to be a standing witness of the Cherokee Nation in a large number of Cherokee freedmen cases.

The Department finds the testimony introduced by the principal applicants entirely unreliable. Most of the witnesses for Thomas Mayfield merely state that they saw him in the Nation in the fall of 1866. Though he claims to have settled in the Nation in 1866, it is apparent, if he was there then, that he returned to Kansas and did not permanently locate in the Cherokee Nation until long after the time fixed in the treaty of 1866. One or two of the witnesses were only about ten years of age at the time they swear they saw Mayfield, who was a stranger to them, in the Nation in 1866. Even if Johnson was a "standing witness" for the Nation, the applicants have introduced no testimony to impeach him, nor has the Department found any allegation that he is not entitled to credit. If the applicants, who it is positively testified resided in Garnett, Kansas, in 1866, 1867 and 1868,

were not there then, it would seem they could easily show that fact

The principal applicants and their attorneys were duly advised of your decision, and have not made any complaint in regard thereto, or any motion of any kind in the matter. The Department finds no reason to disturb your decision, and it is hereby affirmed.

You are, however, directed to adjudicate the rights as intermarried citizens, if any, of such persons who are married to recognized citizens mentioned in this case.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

REGISTRY RECEIPT.

Post Office at...

FT. GIBSON, I. T.

Registered Letter
Parcel

No.

66

Rec'd

SEP 10 1901

. 190

of

J. C. Clark

addressed to

Nelson Hardwick
Ketchum I. P.

Hubbard P.

Cher Fr 1394

Trans. from Cher Fr 835

Cher Fr 1394

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 24, 1901.

In the matter of the application of Eliza Jane Bursby for the enrollment of herself and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

- Q What is your name? A Eliza Jane Bursby.
Q How old are you? A 28.
Q What is your post-office address? A At the present time Wagoner.
Q What district do you live in? A I live in, been living in Wagoner ever since last November, been living here all the time until I moved to Wagoner.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and three children.
Q Is your name on the roll of 1880? A No sir, I ought to be on the Wallace and Clifton, I know I am on the Clifton and I ~~think~~ should be on the Wallace, I was enrolled on the Wallace by my grandmother, enrolled me on the Wallace.
Q What is your father's name? A Dick Chambers.
Q Is he living? A No sir.
Q What is your mother's name? A Millie Chambers.
She has been dead ever since I was little.
Q What is your husband's name? A John Bursby.
Q Were you ever married before you married Mr. Bursby? A No sir.
Q Was he ever married before he married you? A Yes sir.
Q He is a non-citizen? A Yes sir.
Q What are the names of your children? A Lela Bursby.
Q How old is Lela? A She will be 11 years old the 23rd of next month.
Q Next one? A Pleas Bursby.
Q How old is Pleas? A 9 years old the 11th of this month.
Q Next one? A Earnest Bursby.
Q How old is Earnest? A He will be 7 next month.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified on page 135 #3343 Eliza Jane Chambers, Tahlequah District.

- Q Did you draw for Lela? A Yes sir, and for Earnest.

Kern-Clifton pay roll of citizens of the Cherokee nation page 135 #3346 Lelah Busby Tahlequah District;
page 135 #3347 Pleas't Busby, Tahlequah District.

Wallace roll of citizens of the Cherokee nation examined for applicant and name is not found;

- Q Where were you born? A At Tahlequah, at Park Hill.
Q Your father and mother slaves? A Yes sir.
Q Who did your father belong to? A My father belonged to old man Joe Chambers.
Q He a Cherokee citizen? A Yes sir.
Q Who did your mother belong to? A My mother belonged to Mr. Cock run.
Q Were they married before the war? A My mother and my father?
Q Yes? A No sir, they were married after the war.
Q Did they go out of the Cherokee nation during the war? A They went out after the war, I was quite an infant when they went out of the Cherokee Nation, I was about a year old I guess.
Q Who do you claim your citizenship through, your mother or father? A My father and mother both.

- Q You say they went out of the Cherokee Nation after the war? A Yes sir.
- Q Where to? A Down to the Choctaw Nation, Atoka.
- Q When did they return? A My father returned in about 6 months, I was about a year old when he went down there.
- Q What year? A I don't know, about 6 months after we were down there my mother died, and my father returned and been here ever since.
- Q What year did he return? A I don't know.
- Q Have you any witnesses? A Yes sir, Charles Chambers and Columbus Lasley.
- Q Have you lived in the Cherokee nation all your life? A No sir.
- Q Where have you been living? A In the Choctaw nation.
- Q You living in the Cherokee nation now? A Yes sir.
- Q How long have you lived in the Cherokee nation? A I have lived in the Cherokee Nation, I was born in the Cherokee Nation, and I was carried out when I was about a year old, and after my mother died my father returned back and left me down there with my grandmother, and she raised me and I never returned to the Cherokee Nation until I was about, I don't know, it was after I was married, all of my children were born in the Choctaw Nation.
- Q Is your husband living now? A Yes sir.
- Q You and he living together? A No sir.
- Q Separated? A Yes sir.
- Q Where are the children? A They are here with me.
- Q Was your husband a Choctaw citizen? A No sir, he wasn't a citizen.
- Q Ever apply to have these children enrolled in the Choctaw Nation? A No sir.
- Q Ever apply to be enrolled in the Choctaw nation yourself? A No sir.
- Q How long since you came from the Choctaw Nation to the Cherokee Nation? A Well I come up here during the Wallace roll.
- Q How long have you lived here? A I come here during the Wallace roll, my grandmother brought me up here and we were enrolled and went back to the Choctaw Nation in Atoka where we was living; I was then married the same year and lived there with my husband until I and him separated and come on up here, that was in, well about a year before this Clifton roll.
- Q You and he separated about a year before the Clifton roll? A Yes sir.
- Q And you come up here then? A Yes sir.
- Q And been living here ever since? A Yes sir.
- Q Draw your Strip money? A Yes sir.
- Q And been living here ever since that have you? A Yes sir.
- Q Living here now? A Yes sir.
- Q You and your husband have a divorce? A No sir.
- Q Just not living together? A No sir.
- BY MR. W.W. HASTINGS, Cherokee Rep'ive:
- Q Your father's name is Richard Chambers? A Dick Chambers.
- Q He is the same one that lives in Talequah District? A Yes sir.
- Q Your father didn't draw any Strip money? A I don't think he did.
- Q He was the only witness you had at that time? A No sir, Sam Chouteau and Mary Chouteau.
- Q Did you bring them out and examine them before the Clifton court Sam Chouteau and Mary? A Yes sir.
- Q You wasn't old enough to remember when you lived here before you went to the Choctaw Nation? A No sir.
- Q You were taken down there when you were a baby? A Yes sir.
- Q All you know about that is what you have been told about it? A Yes sir.
- Q Then so far as you know you came up here about a year before the Kern-clifton court, and lived here since that time? A Yes sir.
- Q Your father is dead now? A Yes sir.

CHARLES CHAMBERS, being sworn and examined by Con'r Needles, testified as follows:

- Q What is your name? A Charles Chambers.
- Q How old are you? A About 70 years old.
- Q What is your post-office? A Hudson.
- Q You know the applicant, Eliza Bursby? A Yes sir.
- Q How long have you known her? A I have been knowing her ever since she was a girl.
- Q You knew her father? A Yes sir.
- Q What was his name? A Dick Chambers.
- Q You knew her mother? A Her mother was named Millie Fishtail.
- Q Were her father and mother slaves? A Yes sir.
- Q Who did her father belong to? A Mr. Chambers.
- Q Was he a Cherokee citizen? A Yes sir.
- Q Well did he go out of the Cherokee Nation during the war, do you know? A He went down in the Choctaw Nation I know.
- Q You know when he came back? A No sir, he come off and left me down there.
- Q When did you first see him after the war? A I never saw him no more until I come up here, I come up in '65 and along about '66 I saw him around Tahlequah there.
- Q You saw him around Tahlequah in '66? A Yes sir.
- Q Have his family with him? A No sir, he was by himself.
- Q Where was his family, do you know? A No sir, I don't.
- Q He had married then? A Yes sir.
- Q Well what about this girl now, Eliza, you say you have known her all her life? A I saw her when she was small girl, and I never saw her any more until I come up here; she come from the Choctaw Nation too.
- Q When did you come up here? A I don't know exactly when she come.
- Q When did you see her? A It was a good while afterwards when I saw her.
- Q You don't know how long afterwards? A Well I guess it was about 2 years after I come up here ~~xxx~~ I saw her.
- Q You think you saw her 2 years after '66? A Yes sir.
- Q Quite young wasn't she, then? A Yes sir.
- Q That's this girl? A Yes sir.
- Q How long did you see her after that? A I saw her all along after that.
- Q You know her husband? A No, I don't know her husband.
- Q Don't know her husband now? A No sir, I don't think she has got any.
- Q You know her children? A She has got 2 children.
- Q You know where these children were born? A No sir, I don't know where they were born at.
- Q Your testimony is about her that you saw her about 2 years after '66 and that she has been living in the Cherokee Nation ever since?
- A Yes sir, she has been living here ever since.
- BY MR. HASTINGS:
- Q What was her mother's maiden name? A Her mother's maiden name?
- Q Yes? A Millie Fishtail, that's what she went by.
- Q Where did she live before the war? A I don't know where she lived before the war.
- Q I believe you said she was a Cherokee slave? A Well she belonged to Fishtail.
- Q Where did she live? A That was time of the war, she was with them then.
- Q Did you ever see her before? A Not before the war at all.
- Q Then you don't know she was a Cherokee slave? A Well she was with what they call'd her owners then in war time.
- Q Where did you see them? A Down in the Choctaw Nation.
- Q You never saw her owners in the Cherokee nation? A No sir.
- Q What was her master's name? A His name was Old Fishtail.

- Q What was his wife's name? A I never knowed her name, called her Mrs. Fishtail.
- Q Did they have any other members of the family? A I don't remember that, I didn't get very well acquainted with them, I went down there to see my brother and they were there.
- Q How far was that from where you were stopping in the Choctaw Nation? A That was 8 or 10 miles from where I was.
- Q Richard Chambers, father of this girl, was your brother? A Yes sir.
- Q He had married this woman when you went down to see him down there, the mother of this woman? A Yes sir, he was living with her then, he had married her.
- Q Was this girl born at that time? A Yes sir, she was a small girl.
- Q That was during the war? A Yes sir.
- Q About how old would you take her to be? A About three or four years old.
- Q When you saw her there? A Yes sir.
- Q Where was Dick's wife when you saw him in Tablequah after the war? A I don't know.
- Q Didn't he tell you? A No sir.
- Q She wasn't along with him? A No sir.
- Q Did you see his wife up here about 2 years after that when you saw this girl? A No sir.
- Q You don't know what became of her then? A I think she died.
- Q Did you know where she died? A I don't know where she died at.
- Q Near whom was this girl living when you saw her about 2 years after the war? A She was with her grandmother.
- Q What was her grandmother's name? A I don't recollect.
- Q Grandmother on her mother's side? A Yes sir.
- Q Where was she living? A They was living down there in the Choctaw Nation.
- Q I thought you said you saw them up here 2 years after the war? A Yes sir, when I saw her up here she was just with her brother, Jimmie Chambers.
- Q Was he older than her? A Yes sir.
- Q Where was he living? A Just going around there through town, first one place and another.
- Q Through ~~xxxx~~ what town? A Tablequah.
- Q This girl was at work? A Yes sir, both of them.
- Q You know where they worked at that time? A No, they worked wherever they could get a job around and about.
- Q Was this girl about grown or a good big girl sized girl at that time? A No, she wasn't grown, she was a big girl.
- Q About middle aged child? A Yes sir.
- Q 12 or 15 years old? A Yes sir, I guess.
- Q You don't know who she worked for? A No sir.
- Q You never saw her mother up there? A No sir, I don't recollect seeing her mother there.
- Q You know she was there? A Yes sir.
- Q At whose house did you see her? A I couldn't tell exactly whose house she was at. I wasn't paying any attention to whose house she was at; I saw them in town there.
- Q You know you saw them there? A Yes sir.
- Q That was about 2 years after the war? A Yes sir.
- Q About how long did you continue to see her there? A I would see them there when I would go up to town, I guess about 6 months or a year afterwards, I would see them around there.
- Q You have seen her in the Cherokee nation ever since? A Yes sir, first ~~xxxx~~ one place and another.
- Q About every four or five months? A Oh about every year or two.
- Q What has she been doing during the past few years? A You asked

Eliza Jane Bursby et al5

me for the truth and I will tell you the truth, I don't know what she has been doing.

Q Where was Dick Chambers living when you saw him first after the war? A He was living out close to Tahlequah there.

Q South of town? A Yes sir, no not south of town, north of town.

Q Who was he living with? A Living with himself, just had a little house built out there, living with himself.

Q About how far from town? A About three or four miles.

BY COM'R NEEDLES;

Q Was Dick ever married before he married Millie? A I don't know sir.

Q You know whether he was ever married to Millie or not? A No sir. I don't know whether he was ever married to her or not, but I know they was living together.

Q Were they living together when Eliza Jane here was born?

A Yes sir, I suppose they was.

COLUMBUS LASLEY, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q What is your age? A 53.

Q What is your post-office? A Tahlequah.

Q You know Eliza Jane Bursby, the applicant here? A Yes sir, I know her.

Q How long have you known her? A Since 1896.

Q Never knew her before? A No sir.

Q Did you ever know her father? A I knowed the man that they claimed to be her father.

Q Who was he? A Dick Chambers.

Q You know her mother? A No sir.

Q Never knew her mother? A No sir.

Q Was Dick Chambers a slave? A I suppose he was.

Q Who did he belong to? A I don't know that.

Q You know whether he went out of the Cherokee nation during the war? A No sir, I don't know that.

Q You know when he returned? A Couldn't tell you.

Q You never saw him until a long time after he returned? A I couldn't say when he returned, I saw him several years back.

Q Is he living? A No sir.

Q His wife living? A Yes sir.

Q You wasn't the administrator for her estate was you? A No sir.

APPLICANT, ELIZA JANE BURSBY, re-called, and further examined

BY COM'R NEEDLES:

Q Are these three children living now? A Yes sir.

Q Are they living with you? A Yes sir.

Q How old were you when your mother died? A I was a year and six months old.

Q You don't recollect much about your mother? A No sir.

Q Your father is dead too? A Yes sir.

Q He lived though, - you recollect him? A Yes sir.

Com'r Needles: Eliza Jane Bursby applies for the enrollment of herself; she cannot be identified upon any of the rolls of the Cherokee nation, except the Kern-Glifton roll; she also applies for three children, Lela, Pleas and Earnest Bursby; her two oldest children are identified upon the Kern-Glifton roll; she avers that she is ~~not~~ a child of Dick and Millie Chambers, and that they were slaves; she claims her citizenship through her father; no satisfactory proof is made

Eliza Jane Bursby et al 5

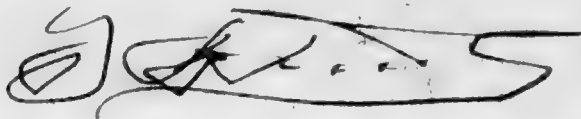
as to the citizenship of her mother, and no satisfactory proof of the marriage between Dick and her mother; she avers that her children are now living; Eliza J. Bursby and her three children enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by mail at their post-office address of the decision of the Commission in the premises; it will be necessary for her to file satisfactory proof of birth of her child, Earnest, whose name does not appear upon the roll; she is identified on the roll as Eliza J. Chambers.

BY MR. HASTINGS: I would like for this woman's age on the Kern-
clifton roll to be given.
Com'r: 25 years old.

COMSR NEEDLES, to applicant: You know how old are you? A My
grandmother says I am 28.

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 July 2, 1901.



Commissioner.

B

FD835

RECEIVED
MAY 24 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 24, 1901*
 Post Office *Wagner*
 District *Speck Water*

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

11. Name of wife *Eliza J. Busby* Age *28*

Owner's name _____ Citizenship _____

Year *186* Page *135* No. *3343* District *Tah.*

Parents:

Father *Nick Chambers dead* Citizenship _____

Mother *Milie " - dead* Citizenship _____

Names of Children:

2	<i>Leila</i>	<i>Busby</i>	Year <i>186</i>	Page <i>135</i>	No. <i>3344</i>	Dist. <i>Tah</i>	
3	<i>Pleas</i>	"	Year "	Page <i>35</i>	No. <i>3347</i>	Dist. "	<i>11</i>
4	<i>Earnest</i>	"	Year _____	Page _____	No. _____	Dist. _____	<i>7</i>
6.			Year _____	Page _____	No. _____	Dist. _____	
7.			Year _____	Page _____	No. _____	Dist. _____	
8.			Year _____	Page _____	No. _____	Dist. _____	
9.			Year _____	Page _____	No. _____	Dist. _____	
10.			Year _____	Page _____	No. _____	Dist. _____	
11.			Year _____	Page _____	No. _____	Dist. _____	
12.			Year _____	Page _____	No. _____	Dist. _____	

Application made by *W. H. Green*

Stenographer *M. D. Green*

- 1 Ark. roll as *Eliza Jane Chambers*
- 2 " " " " *Leila Busby*
- 3 " " " " *Pleas*
- 4 Birth affidavit to be supplied.

Cherokee Freedmen D 835.

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

In the matter of the application of Eliza J. Bursby for the enrollment of herself and her minor children, Lela, Pleas and Earnest Bursby, as Cherokee Freedmen.

D E C I S I O N .

The record in this case shows that on June 24, 1901, Eliza J. Bursby appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and her minor children, Lela, Pleas and Earnest Bursby, as Cherokee Freedmen.

The evidence shows that the applicant, Eliza J. Bursby, was born since 1866 and is the daughter of Dick Chambers, who was the slave of a Cherokee citizen at the commencement of the rebellion; that said Dick Chambers went to the Choctaw Nation during the rebellion but returned to the Cherokee Nation at the time specified in the decree of the Court of Claims rendered, February 7, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to the Cherokee Nation.

The evidence further shows that all the other applicants herein are the minor children of said Eliza J. Bursby.

It is further shown that the said Eliza J. Bursby was born in the Cherokee Nation and has resided in Indian Territory all her life, and in the Cherokee Nation continuously since 1896. The residence of her minor children is considered to have been the same as that of their mother, with whom they are residing.

It is, therefore, the opinion of this Commission that Eliza J. Bursby, Lela Bursby, Pleas Bursby and Earnest Bursby should be enrolled as Cherokee Freedmen, 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 MAR 5 1904


Commissioner.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes

Vinita I. T. April 14th 1904.

In the matter of the application for the enrollment of Eliza J. Bursby
et al as Cherokee Freedmen.

Cherokee F. D. # 835.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision of
the Commission to the Five Civilized Tribes in the above case and prays
an appeal to the Honorable Secretary of the Interior.

A R G U M E N T.

We are surprised at the decision of the Commission in this case
for the very reason that the burden of proof is upon the applicant to
make up a prima facie case by testimony that is reasonable and appeals
to the common sense of the human mind.

It is true that in this case the Cherokee Nation introduced no testi-
mony. It was not deemed necessary for the Cherokee nation to introduce
testimony for the reason that we do not regard that any credible testi-
mony has been introduced in this case on behalf of the applicant and we
believed the expense of bringing in rebuttal testimony was saved.

There is but one witness that testified for applicant and that was
her uncle Charles Chambers. Let us look at this testimony for a moment.

The applicant, when she applied in 1901, swears that she was 28 years
of age and that she was therefore born in the year of 1873; she testifies
that her mother died when she was too little to remember and while she
has been told that she was born in the Cherokee nation, that she was taken
back to the Choctaw nation but she was too little to remember that fact.

She knows the exact ages of her children because she can tell the
exact date of the ir birth, and she is therefore a woman of more than
ordinary intelligence.

Contrast her tes timony with that of the disreputable uncle Charles

Chambers. The poor old fellow says that he knew her every since she was a girl; that he knew her mother, although that is evidently false, because he knew nothing of her mothers owners, but he swears that his brother Dick Chambers married applicants mother during the war in the Choctaw nation; and that he saw this girl up here about two years after 1866 which would make it some time in 1868 or some five years before the child was born. But he says this girl was a small girl when he knew them down South during the war and that she must have been some three or four years old.

This disreputable witness further states that the applicant continued to reside in the Cherokee nation from the time he saw her two years after '66 up until the present time. While the applicant admits that she was taken South when a babe and did not return until about 1896.

This disreputable witness further testifies that he saw this girl up here with her brother and they were great big people nearly grown working around for different people in and about the neighborhood of Tahlequah. Most assuredly the Department will not affirm this decision.

The only disinterested witness introduced was Columbus Lasley whose age was 53 whose post office was Tahlequah and who testified that he knew the applicant since 1896; that he knew her father but he would not commit perjury for the applicant by saying that Dick Chambers came to the Cherokee nation in 1866 but the way Lasley expressed it was by saying "I saw him several years back."

We beg the Department to examine the testimony of this disreputable witness Charles Chambers closely; note that it contradicts the testimony of the applicant in every particular; in every material detail and if his testimony can not be relied upon then the applicant herself having been born in 1873 has no testimony upon which to be admitted to citizenship.

The Representatives of the Cherokee Nation never dreamed that the Commission would admit this applicant to citizenship upon this conflicting and untrustworthy testimony but assumed always that the Commission would make the applicants prove their claims by reputable witnesses who tell straight forward, and reasonable statements and not conflicting ones. We submit that this application should be denied.

Respectfully,

W. W. ...
Attorney for the Cherokee nation.

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

In the matter of the application of **Eliza J. Bursby et al**
for enrollment as citizens of the Cherokee Nation.

No. _____
UNITED STATES OF AMERICA, } SS
INDIAN TERRITORY,
NORTHERN DISTRICT.

AFFIDAVIT TO SHOW
SERVICE.

This day personally appeared before me the undersigned a Notary Public within and
for the Northern District of the Indian Territory, **K. G. Zimmerman,**
sworn on oath states, that his age is ^{thirty}~~thirty-two~~ years and that his postoffice is Vinita, Indian
Territory, and that on the **14th** day of **April** 190**4**
he deposited in the United States postoffice at Vinita, Indian Territory,
an envelope containing a true copy of the instrument hereto attached and he hereto attaches
the receipt of the postmaster at said postoffice showing that he received said package to be
duly registered and mailed to **Eliza J. Bursby**
whose postoffice is **Wagoner,** Indian Territory,
~~and attached to this affidavit is the Legally Return receipt duly signed by the applicant show-~~
~~ing that said envelope containing a true copy of the instrument hereto attached was received~~
~~by the said applicant.~~

K. G. Zimmerman

Subscribed and sworn to before me this **14th** day of **April** 190**4**

C. Glass
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., June 11, 1904.

In the matter of the application of ELIZA McHENRY, nee Bursby, for the enrollment of herself and her children, LELA, PLEAS, and EARNEST BURSBY, as Cherokee freedmen.

SUPPLEMENTAL TESTIMONY.

ELIZA McHENRY, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Eliza McHenry now; I enrolled as Eliza Bursby.
- Q How old are you? A 30.
- Q What is your postoffice? A Wagoner.
- Q You are an applicant for enrollment as a Cherokee freedman?
- A Yes sir.
- Q Under what name did you apply? A One name is Eliza Chambers and the next one is Eliza Bursby.
- Q Are you married? A Yes sir, I was just married; only been married about 2 weeks to this man I married now.
- Q What was the date of your marriage? A It will be 2 weeks Monday 2 weeks next Monday? A Yes sir.
- Q You married on the 30th day of May, did you? A Yes sir, it was Decoration Day.
- Q Of this year? A Yes sir.
- Q What is the name of your husband? A Kite McHenry.
- Q Is your husband a citizen? A No sir.
- Q Are you and he living together now? A Yes sir.
- Q You have three children? A Yes sir.
- Q All living? A Yes sir.

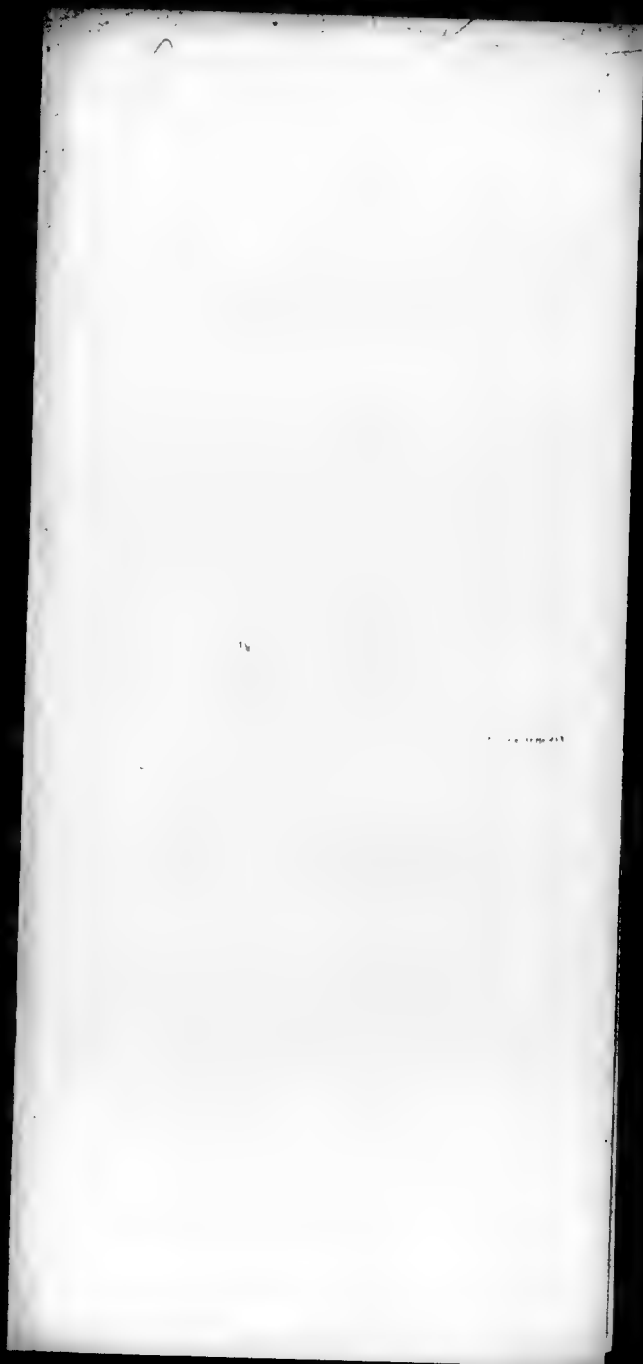
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Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case and that the above and foregoing is an accurate and complete transcript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

Mabel F. Maxwell

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

J. Rosen
Notary Public.



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-835.

Muskogee, Indian Territory, March 26, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Eliza J. Bursby for the enrollment of herself and her minor children, Lela, Pleas and Earnest Bursby, as Cherokee freedmen.

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

Respectfully,

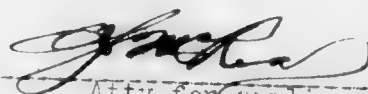
Enc. D-11.

Commissioner in Charge.

Cherokee Freedmen
D-835.

Muskogee, Indian Territory, April 10, 1904.

Received of the Commission to the Five Civilized Tribes,
one copy of the testimony in Cherokee Freedmen D 835, Eliza J.
Bursky et al.



Atty for applicants.

Cherokee Freedmen
D-835.

Muskogee, Indian Territory, April 21, 1904.

Eliza J. Bursby,

Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for the enrollment of yourself and your minor children, Lela, Pleas and Earnest Bursby, as Cherokee freedmen. Your attorney, A. S. McRea, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

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

Respectfully,

Eliza J. Bursby

Register
Enc. D-23.

Chairman.

Cherokee Freedmen
D-835.

Muskogee, Indian Territory, April 21, 1904.

A. S. McRea,

Attorney for Eliza J. Bursby et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Eliza J. Bursby for the enrollment of herself and her minor children, Lela, Pleas and Earnest Bursby, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

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

Respectfully,

Register
Enc. D-24.

Chairman.

Cherokee Freedmen
D-835.

Muskogee, Indian Territory, April 21, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Eliza J. Bursby for the enrollment of herself and her minor children, Lela, Pleas and Earnest Bursby, as Cherokee freedmen, including the Commission's decision dated March 5, 1904, granting said application.

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

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. D-25.

(C O P Y)

Refer in reply
to the following:
Land
27913-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, September 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 21, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Eliza J. Bursby for herself and her minor children, Lela, Pleas and Earnest Bursby.

March 5, 1904, the Commission decided favorably to the applicants.

The record shows that the principal applicant was born since 1866 and is the daughter of Dick Chambers who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that said Dick Chambers went out of the Cherokee Nation during the war and returned prior to February 11, 1867.

There is filed a protest by the Cherokee Nation which has been duly considered.

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

Very respectfully

A. C. Tonner
Acting Commissioner

D. C. 37891-1904
I.T.D. 7698-1904

(C O P Y)

W.C.F.
FHE
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 3, 1904.

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

Gentlemen:

April 21, 1904, you transmitted the record in the matter of the application of Eliza J. Bursby for the enrollment of herself and her minor children, Lela, Pleas and Earnest Bursby, as Cherokee freedmen, including your decision of March 5, 1904, granting said application.

You also transmitted the protest of the Cherokee Nation against your decision.

Reporting in the matter September 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

Cherokee Freedmen
D-835

Muskogee, Indian Territory, October 25, 1904.

A. S. McRea,

Attorney for Eliza J. Bursby et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Eliza J., Lela, Pleas and Earnest Bursby as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-835.

Muskogee, Indian Territory, October 25, 1904.

Eliza J. Bursby,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the application for the enrollment of yourself, and minor children, Lela Bursby, Pleas Bursby and Earnest Bursby as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D-835

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the application for the enrollment of Eliza J. Bursby, Lela Bursby, Pleas Bursby and Earnest Bursby as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,

John W. ...
Chairman.

Cher Fr 1395

Trans. from Cher Fr D910

Cher Fr 1395

F 1061.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 21st, 1901.

In the matter of the application of Tom Foster for the enrollment of himself and one child as Cherokee Freedmen; said Foster being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Tom Foster.
Q How old are you, Mr. Foster? A 34.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I have got two sisters here I would like to enroll with me.
Q They are of age are they? A Yes, sir.
Q Anybody else? A One child.
Q What is the child's name? A Jim.
Q How old is James? A Eight years old, this coming November.
Q Is your name on the roll of 1880? A It always has been I suppose it is.
Q Are you married? A I have been, me and my wife has been divided five years.
Q Who has got this child? A I have got one and she has got one.
Q What is your wife's name? A Nellie Curry, when I married her.
Q Is she a citizen? A Supposed to be.
Q Has she applied for enroll, do you know? A I don't know whether she has or not.
Q Did she agree for you to have this child? A I suppose she did, she left it with me.
Q She took the other did she? A Yes, sir.
Q You had this child ever since she left? A Yes, sir.
Q Raising the child? A Yes, sir.
Q Have you married again? A No, sir.
Q What proof have you got of your marriage to Nellie Curry?
A The Minister is here that married us.

The 1880 Authenticated roll of Freedman of the Cherokee Nation examined and name of applicant found thereon, page 103, #1100, Thomas Foster, Cooweescoowee District.

The 1896 Census roll of Freedmen of the Cherokee Nation examined and name of applicants found thereon as follows:
#403, #158, Thomas Foster, Cooweescoowee District.
Page 403, #159, James Foster, Cooweescoowee District.

- Q Is James living now? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES: Thomas Foster applies for the enrollment of himself and his son, James. He is duly identified upon the authenticated roll of 1880 as well as the census roll of 1896. His son, James, is identified upon the census roll of 1896. He avers that he was married to one Nellie Curry from whom he is separated, the mother of said child, James. He makes no satisfactory proof as to marriage. He makes satisfactory proof as to residence, consequently Thomas Foster and his child, James, will be listed for enrollment as Cherokee Freedmen. It will be necessary for him to file satisfactory proof of marriage in order to complete the enrollment of his child, James.

- The Applicant, recalled: BY MR. W. W. HASTINGS, Cherokee Representative: Was your wife ever married before you married her?
A No, sir.
Q Were you ever married before you married her? A No, sir.

Tom Foster, et al.--2.

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

(SIGNED) J. O. Rosson.

Subscribed and sworn to before me this 8th day of July, 1901.

(SIGNED) C. R. Breckinridge.

Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 24, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing transcript and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch

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

Charles L. Samsen
Notary Public.

(COPY)

File with Cherokee Freedman D-910, Nellie Foster

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25, 1901.

In the matter of the application of Becky Webber for the enrollment of herself and 3 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Becky Webber.
Q How old are you? A 46 or 7 years old I guess, I don't know.
Q What is your postoffice? A Centralia.
Q What district do you live in? A Cooweescoowee.
Q You apply to enroll as a Cherokee Freedman? A Yes sir.
Q Who besides yourself? A 3 children.
Q Give me the names of your children? A Louella Webber.
Q How old is Louella? A 16 years old.
Q Next one? A Arthur Webber.
Q How old is Arthur? A 13.
Q Next one? A Mabel Webber.
Q How old is Mabel? A 6 years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ellis Webber.
Q Is he a citizen? A Yes sir.
Q Has he been enrolled? A No sir.
Q Why don't he enroll with you? A I don't know sir.
Q Is your name on the roll of 1880? A No sir.
Q What is your father's name? A Frank Crossland.
Q What is your mother's name? A Zilphy Holt.
Q Frank Crossland living? A No sir.
Q Zilphy Holt living? A No sir.
Q You say your name is not on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir, I
drawed the Wallace money and Clifton and Kern money.
Kern-Clifton pay roll of citizens of the Cherokee Nation
examined and applicants identified on
page 140 #3467 Rebecca Webber, Cooweescoowee District.
page 140 #3472 Lou Webber, Cooweescoowee District;
page 140 #3473 Arthur Webber, Cooweescoowee District.
Q Your father is not living? A No sir.
Q Nor your mother? A No sir.
Q Where were you born? A At Webbers Falls.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Bill Holt.
Q Was he a Cherokee? A I guess so. His woman was, I don't know,
I was small.
Q Was you taken out of the Cherokee Nation during the war, and
your mother? A Yes sir.
Q Where to? A Ft. Scott.
Q When did you come back? A '66.
Q Been living here ever since? A Yes sir.
Q Are these children all living? A Yes sir.
Q Were they born in the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes sir.
Q You say you have lived in the Cherokee Nation continuously since
1865? A Yes sir.
Q How long has your mother been dead? A About 22 years.
Q You know why your name is not on the roll of 1880? A No sir,
I, do not.
Q Was your father a slave? A Yes sir.

- Q Did he die before the war? A Yes sir.
By Mr. Davenport, Cherokee Rep've:
Q Do you know to whom you belonged before the war? A Bill Bolt.
Q You didn't claim you belonged to Bill Holt at the Kern-Clifton Commission? A No sir.
Q Didn't you claim you belonged to Robin Webber? A No sir.
Q Where was Bill Holt living when the war broke out? A At Webbers Falls.
Q You went to Kansas during the war did you? A Yes sir.
Q What point? A Ft. Scott.
Q How long did you stay at Ft. Scott? A I was 6 years old when I went, there, and they said I was 9 when I come back here, I don't know.
Q Who did you go with to Ft. Scott? A My mother.
Q Anyone else? A I don't know.
Q What is your mother's first name? A Zilphy Holt.
Q Who did you come back to the Cherokee Nation with?
A My uncle, Caesar Smith, Mose Smith and Joe Smith and George Meigs, and Sam Webber, and I don't know who all, there was a whole lot of us.
Q How old was you when the war broke out did you say? A I said I was 6 years old.
Q Where have you been living since you came back? A I lived on Big Creek a while and on Cedar Creek.
Q Have you lived anywhere else except the Cherokee Nation? A No sir.
Q Resided continuously in the Cherokee Nation? A Yes sir.
Q How many children had you when you returned to the Cherokee Nation? A I never had any at all.
Q Is Lydia your child? A No sir, that's my mother-in-law, she was named Rebecca too, call her Becky for short.
Q Is Lydia your sister then? A Sister-in-law.
Q Was you along around then before the Kern-Clifton Commission?
A Yes sir.
Q Had you any sisters or brothers? A Yes sir, one sister living.
Q What was her name? A Line Kirk was her father's name, Lina Wolf.
Q Did you apply to the Kern-Clifton Commission under the name of Rebecca Webber? A Yes sir.
Q Were you included in the application of Rebecca Webber, your mother-in-law? A No sir, she didn't have anything to do with me.
Q Had you a brother named Lewis, or a child? A No sir, that's my brother-in-law.
Q How old is your oldest child? A My oldest boy is about 24 or 5 years old.
Q Where was he born? A On Big Creek.

SAMUEL WEBBER, being sworn and examined by Com'r Needles, testified as follows:

- Q Your name is Samuel Webber? A Yes sir.
Q Your age is? A 56.
Q Postoffice Nowata? A Nowata.
Q You know Rebecca Webber, the applicant? A Yes sir.
Q How long have you known her? A I got acquainted with her ever since the war.
Q You know whether she was a slave or not? A No sir, I couldn't tell you that.
Q You know her husband, Ellis Webber? A Yes sir, I know Ellis.
Q Is he living? A Yes sir.
Q Did you know her mother, Zilphy Holt? A Yes sir.
Q Was her mother a slave? A I couldn't tell you that.
Q Don't know? A No sir.
Q Where did you first see Zilphy Holt and Rebecca Webber after the war? A I saw them there at Big Creek.

- Q What year? A In the fall of '66.
Q Big Creek in the Cherokee Nation? A Yes sir.
Q Did they return with you? A No sir, they came afterwards.

Applicant, BECKY WEBBER, re-called and further examined:
By Com'r Needles:

- Q Is Ellis Webber living? A Yes sir.
Q Is his name on the roll of 1880? A No sir.

Witness, SAMUEL WEBBER, re-called and further examined by
Mr. Davenport, Cherokee Rep'ive:

- Q You wasn't acquainted with her family until after the war?
A No sir, thime of the war.
Q You saw them at Ft. Scott? A Yes sir.
Q How many people come back with that crowd that come back in the
latter part of '66? A There was several families in uncle Caesar
Smith's family there that come along.
Q First you saw this girl and her family she was on Big Creek?
A Yes sir.
Q And that was sometime after you had come back the last time?
A Yes sir.
Q Do you remember whether it was before or after Christmas?
A It was before Christmas.
Q What makes you remember it was before Christmas? A We all
had a little Christmas dinner Christmas there you know, we was
together.
Q Did you form a little camping ground? A No sir, we had little
cabins around.
Q Were your cabins built during the summer? A Some of us had.
Q Some of you built during the summer? A Some of us had, but we
had not finished them, we finished them that fall when we moved
there.
Q How old was she then? A She was a small girl, not very large.
Q Where is Ellis Webber now, do you know? A There he stands right
there (Pointing to a man).

- Q When were she and Ellis Webber married? A I married that couple
but I can't tell you exactly, it has been 4 years ago I believe.
Q Do you know anything about this woman and her mother Zilphy Holt
before the war? A No sir.

Applicant, BECKY WEBBER, recalled and further examined;
By Com'r Needles:

- Q When were you married to Ellis Webber? A I couldn't tell you
what year it was in.
Q Was you married when these children were born? A After some of
them were born.
Q You know about how many years you were married? A I couldn't
keep no count in my head, I aint got no learning.
Q It has been 15 years? A Nosir, I don't think it has been that
long.
Q Been 10? A It has been about 12 years I guess, I couldn't tell
you exactly.
Q Was Louella born before you married? A Yes sir.
Q Was you ever married before you married Ellis Webber? A Yes,
sir, I was married to a man named Curry, state man.
Q Is Curry and Webber the only 2 husbands you had? A No sir, I
had another man.
Q Before Curry? A Yes sir.
Q What was his name? A Anderson Johnson.
By Mr. Davenport:
Q Where did you marry Curry? A I never married him.
Q Where was you living when you took up with him? A On Big Creek

Q Where was you living when you took up with Johnson, or married him? A On Big Creek.

EDMOND VANN, being sworn and examined by Com'r Needles, testified as follows:

- Q What is your name. A Edmond Vann.
Q What is your age? A 58.
Q What is your postoffice? A Lenapah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes.
Q You know the applicant, Rebecca Webber? A Yes sir.
Q How long have you known her? A Before the war.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Bill Holt.
Q Was Sill Holt a Cherokee? A Yes sir.
Q What was her mother's name? A Zilphy Holt.
Q You know where Rebecca Holt and Zilphy Holt were during the war between the North and South? A No sir.
Q Where did you see the applicant the first time after the war? A On Big Creek.
Q What year was that? A Cedar Creek where I saw them after the war, in '70.
Q In 1870? A Yes sir, '67.
Q You never saw the mother of this woman until 1870? A '67, when I saw them.
Q What part of '67? A In the spring.
Q You recollect whether it was in January, February or March? A No sir, I don't, it has been so long I forget.
Q Have you known this woman Rebecca Webber since that time? A Yes sir.
Q She always lived in the Cherokee Nation? A Yes sir.
Q You know her children? A Yes sir, I know some of them.
Q You know how many children she has got? A I guess I do.
Q How many? A There's Frank and, I can't hardly think of the children's names, I can't call their names, I know she has got a good many though.
Q You know her father? A Yes sir.
Q Was he a state man or a slave? A Slave.
Q How long had her father been dead? A Before the war.
Q You know then that Rebecca and her mother were slaves? A Yes sir.
Q Your testimony then is that you say them in the Cherokee Nation about the spring of '67? A Yes sir, spring of '67.
Q You don't know what month in '67 it was? A No sir.
By Mr. Davenport:
Q Where did you live when the war broke out? A I lived at Polly Vann's place, 5 miles above Ft. Gibson. But I was raised at Webbers Falls.
Q Where were these people living when the war broke out? A At Webbers Falls.
Q How far did you live from them at that time? A About 5 miles below where they lived; they lived on one side of the river and me on the other.
Q Where did you go from there? A I come up to Gibson, and lived there 5 years.
Q How long before the war was that? A That was before the war.
Q How long before the war? A We lived up on Verdigris there 5 years.
Q Where were these people living before the war broke out? A On the Holt place.
Q You know that of your own knowledge? A Yes sir.
Q How long before the war broke out had you been down on the Holt place? A I was down every Christmas pretty near.

- Q Where did you go when the war broke out? A I went south.
- Q Where did the applicant's mother and her go? A I don't know sir.
- Q Next time you saw them after you saw them at the Holt place was on Cedar Creek? A Yes sir.
- Q And that was sometime in the spring of '67? A Yes sir.
- Q Who were they living with there on Cedar Creek? A Living where they are living now.
- Q Anyone living around there? A Yes sir, family living there whole lot of other people
- Q Was the applicant here married at that time? A Yes sir.
- Q Have any children? A Yes sir.
- Q You remember their names? A Remember some of their names, I can't recollect all of them.
- Q What was her husband's name at that time? A Curry.
- Q Give me the children's names? A Frank, Johnson, Rebecca.
- Q Were all these children born up there when you saw her in '67? A Yes sir.
- Q Frank and Johnson and Rebecca were born then? A Yes sir.
- Q How old was this applicant when you saw her last at her father's before the war broke out? A I can't tell you.
- Q How old did she look, couldn't you tell by size? A Couldn't tell.
- Q Big enough to run around and do errands? A I guess she did, big enough to do something.
- Q You think she was as much as 10 years of age? A I don't know sir I hate to say anything unless I know it, I want to tell the truth while I am talking.

Com'r Needles: Rebecca Webber applies for the enrollment of herself and 3 children; she is not identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton roll; her 2 oldest children, Louella and Arthur, are identified upon the Kern-Clifton roll; she avers that she has a younger child, Mabel, 6 years old, whose name does not appear upon any roll; she is duly identified and makes satisfactory proof as to residence; by reason of the fact that her name is not upon the authenticated roll of 1880 and the protest of the Cherokee Nation, said Rebecca Webber and her 3 children enumerated herein will now be listed for enrollment as Cherokee Freedmen on a doubtful card; it will be necessary for her to file satisfactory proof of birth for the younger child; she will be notified by mail of the action of the Commission in the premises.

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 July 8, 1901.

Signed, T. B. Needles

Com'r.

QQQQQQQQQQQQQQQQQQQQQQQQQQ

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the fore-

going, and the above is a true and correct copy from the original.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the above copy.

Maggie Kennedy

Subscribed and sworn to before me this the _____ day of November, 1904.

Notary Public.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I. T., JUNE 27th, 1901.

In the matter of the application of Nellie Foster for the enrollment of herself and one child as Cherokee Freedmen; said Foster being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Nellie Curry.
Q How old are you? A 23.
Q What is your post office? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Annie Holt.
Q Are you married? A Yes sir.
Q Who to? A Tom Foster.
Q How did your name happen to be Curry? A It is on the roll.
Q What is the name of your child? A Annie Holt.
Q How old is Annie Holt? A Seven years old.
Q What is your mother's name? A Rebecca Webber.
Q ~~What is your father's name?~~ A ~~Tom Foster.~~
Q Do you claim your citizenship through your mother?
A Yes, sir.
Q Rebecca Webber? A Yes, sir.
Q What was your father's name? A Sonny Curry.
Q Is your name on the roll of 1880? A Yes, sir, on the Wallace roll.

THE 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examine and name of applicant found thereon, page 140, #2469, Nellie Curry, Cooweescoowee District.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2470, Nellie Holt, Cooweescoowee District.

- Q How does you name appen to be Holt, were you ever married to a man named Holt? A No, sir.
Q You had this child before you ever married anybody?
A No, sir.
Q What is the child's father's name? A Foster.
Q How did its name happen to be Holt? A By owners.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's children found thereon, page 140, #3477, Annie Holt, Cooweescoowee.

- Q That child's name is Foster isn't it? A Yes, sir.
Q What is its father's name? A Tom Foster.

COM'R NEEDLES: Nellie Foster applies for the enrollment of herself and one child, Annie. She avers that she is the child of Sonny Curry, that her mother's name is Rebecca Webber. Her name cannot be found upon the authenticated roll of 1880 or census roll of 1896. She is duly identified upon the Kern-Clifton roll as Nellie Curry, that having been her maiden name, and upon the Wallace roll as

Nellie Holt; she was enrolled at that time by the name of her mother's owner. She avers that she has one child, Annie seven years of age, who is duly identified upon the Kern-Clifton roll as Annie Holt; name should be Annie Foster. She claims her citizenship through her mother, Rebecca Webber, and the testimony taken in the matter of the application of said Rebecca Webber, upon D.#854, will be made part of the record in the case at bar and a copy thereof filed herewith.

Applicant avers that she is now married to one Tom Foster. She makes satisfactory proof as to residence, consequently Nellie Foster and her children, Annie, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. She will be duly notified by mail of the action of the Commission in the premises.

---ooo000ooo---

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

(Signed) J. O. Rossen

Subscribed and sworn to before me this 13th day of July, 1901.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 21 day of November, 1904.

J. Campbell
Notary Public.

5

81-110

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901

[Faint signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 27, 1901
Post Office Mowata Ga.
District

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife Minnie Foster Age 23
Owner's name _____ Citizenship _____
Year Mo. Page 140 No. 3469 District Sev.

Parents:

Father _____ Citizenship _____
Mother Secky Foster _____ Citizenship _____

Names of Children:

- 3. Annie Foster Year Mo. Page 140 No. 3477 Dist. Sev.
- 4. _____ Year _____ Page _____ No. _____ Dist. _____
- 5. _____ Year _____ Page _____ No. _____ Dist. _____
- 6. _____ Year _____ Page _____ No. _____ Dist. _____
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by _____ Stenographer L. Brown

1. Cer. Kie. roll as Minnie Holt
2. " Nailace roll Page 17 #2470 Minnie Holt
2. " Kie. " as Annie Holt

X P. A. D 853

Cherokee Freedmen D 910.

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

In the matter of the application of Nellie Foster for the enrollment of herself and her minor daughter, Annie Foster, as Cherokee Freedmen.

D E C I S I O N .

The record in this case shows that on June 27, 1901, Nellie Foster appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and her minor child, Annie Foster, as Cherokee Freedmen. Copies of the testimony in the case of Tom Foster, Cherokee Freedmen #1061, and of the testimony taken at Nowata, Indian Territory, on June 25, 1901, in the case of Rebecca Webber, Cherokee Freedmen D 853, are made a part of the record in this case.

The evidence in this case shows that the applicant, Nellie Foster (nee Curry), was born since 1866; that she is a descendant of Rebecca Webber and has no rights to enrollment, except such as she may have derived through her. The Commission has found in the case of said Rebecca Webber that the latter went out of the Cherokee Nation during the rebellion and did not return thereto prior to February 11, 1867.

The evidence further shows that the said Annie Foster, was born since 1866; that she is a descendant of the said Nellie Foster and her husband, Tom Foster; that Tom Foster is identified on the 1880 authenticated Cherokee roll as a Cherokee Freedman; and that he has always resided in the Cherokee Nation.


It is considered that the said Annie Foster has resided in the Cherokee Nation since her birth.

It is, therefore, the opinion of this Commission that the application for the enrollment of Nellie Foster as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that Annie Foster should be enrolled as a Cherokee Freedman, in accordance with the provisions of said section twenty-one, and it is so ordered.

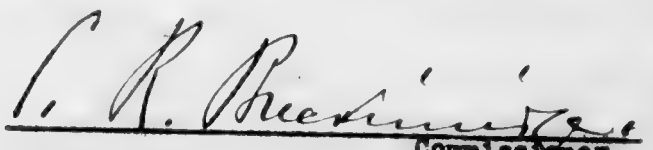
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JUL 23 1904

Cherokee Freedmen

D-910.

Muskogee, Indian Territory, July 23, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, granting the application of Annie Foster for enrollment as a Cherokee freedman, and denying the other applicant mentioned therein.

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

Respectfully,

Encl. S-87.

Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: OFFICE OF INDIAN AFFAIRS,

WASHINGTON. September 22, 1904.

Land

57609-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 18, 1904, transmitting the record of the application for enrollment as Cherokee freedman by Nellie Foster for herself and her minor child, Annie Foster.

July 23, 1904, the Commission decided adversely to the applicant, Nellie Foster and favorably to Annie Foster.

The evidence shows that the principal applicant, Nellie Foster, was born since 1866; that she is a descendant of Rebecca Webber and has no right to enrollment except such as she may have derived through her; that the said Rebecca Webber went out of the Cherokee Nation during the war of the rebellion and did not return thereto prior to February 11, 1867.

The evidence further shows that the minor applicant, is the child of the principal applicant and her husband, Tom Foster; that Tom Foster is identified on the 1880 authenticated Cherokee roll as a Cherokee freedman, and that he has always resided in the Cherokee Nation. The name of Nellie Foster is identified on the Kern-Clifton and Wallace rolls, but is not found on the 1880 authenticated Cherokee roll.

-2-

In view of the record the approval of the Commissions's decision adverse to Nellie Foster and favorable to Annie Foster is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

W. C. F.
PHE

DEPARTMENT OF THE INTERIOR,

D. C. 38504-1904

WASHINGTON. October 5, 1904.

I. T. D. 7682-1904.

Y.P.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 18, 1904, you transmitted the record in the matter of the application of Nellie Foster for the enrollment of herself and her minor child, Annie Foster, as Cherokee freedmen, including your decision of July 23, 1904, rejecting said application for the enrollment of Nellie Foster, and granting said application for the enrollment of Annie Foster.

Reporting in the matter September 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D--910

Muskogee, Indian Territory, October 25, 1904.

Nellie Foster,

Nowata, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of yourself, and granting the application for the enrollment of your minor child, Annie Foster, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 5, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D--910

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Nellie Foster, and granting the application for the enrollment of her minor daughter, Annie Foster, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 5, 1904.

Respectfully,

W. H. H. H.
Chairman..

Cher Fr 1396

Trans. from Cher Fr D84

Cher Fr 1396

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 24, 1901.

In the matter of the application of for the enrollment of
Rolla Vann as a Cherokee Freedman.

Dunk Vann, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Dunk Vann.
- Q You apply for the enrollment of Rolla Vann? A Yes, sir.
- Q How old is Rolla Vann? A He must be forty years old I guess.
- Q What is his post office? A Coody's Bluff.
- Q What district do you live in? A Oooweescoowee.
- Q Are you his brother? A Yes, sir.
- Q Is his name on the roll of 1880? A No, sir.
- Q Who does he want to enroll besides himself? A That is all.
- Q You are not on the roll of 1880? A Yes, sir.
- Q Who are his witnesses? A Katie Vann and L. D. Daniels.
- Q Who was Rolla Vann's father? A Jim Vann.
- Q Who was his mother? A His mother was named Patsy Vann; some-
times they called Jim Vann Jim McNair.
- Q Are you his own brother? A Yes, sir.
- Q Your name on the roll of 1880? A Yes, sir.
- Q Was Rolla Vann a slave? A Yes, sir.
- Q Who did he belong to? A He did belong to Joe Vann, then Felix
McNair married Vann's daughter before the war, named Laura, and he
taken this boy and my mother and father.
- Q Did Rolla go out of the Cherokee Nation during the war? A Yes,
sir.
- Q Where did he go? A Went out to Kansas.
- Q When did he return? A He returned in '66, about December, the
last of December.
- Q Were you with him up in Kansas? A Yes, sir, I was up there a
while.
- Q Did you return with him? A No, sir I came first.
- Q Do you know why wasn't his name on the roll of 1880?
A No, sir, that is the way men done on that roll of 1880.
- Q Has he always lived in the Cherokee Nation? A Yes, sir.
- Q What is his father's name? A Jim Vann.
- Q Was his father on the roll of 1880? A I don't think so.
- Q Is his mother on the roll of 1880? A I don't think she is.
- Q Are they both dead? A Yes, sir.
- Q Did they die before 1880? A I think the old man died since 1880
and the old lady died before 1880; that is right.
- Q Has he been living in the Cherokee Nation continuously since
the war? A Yes, sir.
- Q When did you first see him now after the war? A After the war
I seed him in December, about the last of December, 1866.
- Q Where at? A On Spring Creek, in Saline district.
- Mr. W.W. Hastings, Cherokee attorney: Was he living with his father
and mother then? A Yes, sir.
- Q How far did you live from them? A About half a mile, maybe not
so far.
- Q On whose place were they living? A They made a place of their
own.
- Q How far from the old home place were they? A Joe Vann, two
miles and a half, or maybe a little farther.
- Q How far is that from the Dr. McNair place? A I expect it must
be about eight miles.
- Q They were over on Spring Creek? A Yes, sir; I don't mean
the Dr. McNair along out there.
- Q I mean the one in Saline? A Yes, sir.

Rolla Vann - 2.

Q Where did you come back to after the war? A I came down here on Spring Creek, near Gibson.

Q And you were living there near them? A Yes, sir, living in about half a mile.

Q You came out ahead of them? A Yes, sir.

Q You know whether your father ever made any effort to get on the roll or not himself? A No, sir, I don't; I think the first roll was taken in '64, I think sometime right after he came back, they taken the roll in '67, I was there on the roll but the old man wasn't there.

Q Was Pole Rowe and Gul Rowe living there at that time? A Yes, sir

Q About how far from where Jim Vann came with this applicant?

A About ten or twelve miles is what we called it.

Q Did this man draw strip money? A Yes, sir.

Q Did they ever vote here? A I did.

L. D. Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is L. D. Daniels? A Yes, sir, age 56, postoffice, Claremore.

Q Well, you are a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Do you know Rolla Vann? A Yes, sir.

Q How long have you known him? A About 30 years, maybe a little more.

Q Do you know whether he was a slave or not? A No, sir.

Q Where did you first see him after the war? A On Spring Creek on the east side of Grand River.

Q What year? A That was about, I think it was in '68 I think.

Q That is the first time you saw him? A That is the first time.

Q You don't know whether he went out of the Cherokee Nation during the war? A No, sir, not of my knowledge.

Q And you ~~xxx~~ don't know when he returned? A No, sir.

Q Has he been living in the Cherokee Nation continuously since '68 to your knowledge? A Yes, sir.

Katie Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Katie Vann? A Yes, sir.

Q What is your age? A 50.

Q You are a citizen of the Cherokee Nation? Do you know Rolla Vann?

A Yes, sir.

Q Are you any relation to him? A Yes, sir, I am.

Q What relation? A Second cousin, or third.

Q Was he a slave before the war? A Yes, sir.

Q Who did he belong to? A Belonged to Joe Vann.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir, they taken him out, he was a little boy.

Q Where to? A Kansas.

Q Do you know when he returned? A He came back in '66, with his parents.

Q Did you see him in '68? A No, sir, I saw him in '67 early, but I heard of him.

Q Did you see him here in '67? A Yes, sir.

Q How early was that? A Along about February.

Q Do you know anybody that came back with him? A No, sir; his parents came.

Q But they are not living now? A No, sir.

Mr. Hastings: Do you know what place in Kansas they went? A I forget the town.

Rolla Vann - 3.

- Q Was it Ossawatimie? A Out in the country.
- Q Did they gonsar Ossawatimie? A Yes, sir.
- Q You don't know who they came back with? A No, sir.
- Q Where did you come to when you first returned? A I went down on Grand River.
- Q On Spring Creek? A On Grand River.
- Q On which side of Grand River? A Well, we stopped on Grand River and camped till the river fell, and went right across on the east side to the Martha Vann place.
- Q To Spring Creek? A On Grand River, to the old Dave Vann place.
- Q How far was that from the place where his father used to stay before the war? A About eight or ten miles west.
- Q And you stayed there all winter of '88, on the Martha Vann place? A No, sir, stayed there that summer and in fall until after corn was gathered, then we had to look out for our own place.
- Q That was in the fall of '86? A Yes, sir.
- Q Then were did you go? A Out on Spring Creek.
- Q In the fall of '86? A Yes, sir.
- Q Where did this man Jim come to, I mean this man's father, where did you first see him after the war? A I saw him on Spring Creek.
- Q How far was that from you? A About two or three miles.
- Q There was where his father located, was it? A Yes, sir, his father stopped there but then he made him a place after that, he made him a place about four miles west.
- Commissioner? Was that in '87? A Yes, sir, if I mistake not, I am not sure.

Rolla Vann, the applicant, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Rolla Vann.
- Q You don't know when you came back yourself? A No, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1886 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- Q Did you draw the strip money? get that? A No, sir, I didn't get the strip money.
- Q Did you get the Wallace money? A Yes, sir.
- The Kern-Clifton roll examined and the applicant not identified thereon.
- Q Did you ever go by any other name besides Rolla? A No, sir.
- Q Are you sure you got the Wallace money? A Yes, sir, I got the Wallace money.
- Q Was you with anybody, did you draw the money with anybody? A Me and Mr. Blount was together, old man Blount.

Commissioner: The applicant applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1886 or the Kern-Clifton roll. He avers that he drew his Wallace money, and this money was drawn by the agent and sent to him, though he cannot be identified upon the Wallace roll. The testimony shows that he drew the payment known as the Wallace payment. He avers that he is the son of James and Patsy Vann. He avers that he was a slave, that he went to the State of Kansas. The proof is somewhat indefinite as to whether he returned in '88 or not. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission.

Holla Vann - 4.

The applicant is present in person, but it is evident that his bodily afflictions are such that he is not competent to testify.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 2nd of July, 1901.

C. R. McKinstry

Commissioner.

B

Tr. 843

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 24, 1901*
Post Office *Good Hope, Ga.*
District *Cho*

1. Name *Freda Vann* Age *42*
Owner's name *Joe Vann* Citizenship *Cherokee*
Year _____ Page _____ No. _____ District _____

Parents:
Father *James Vann - dead* Citizenship _____
Mother *Patsy " - dead* Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father *David Jones* Citizenship _____
Mother _____ Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *Mr. Andrew L. L. Jones* Stenographer *T. C. Jones*

40

4 D. 843

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

Rolla Cannon

on the *24* day of *Sept* A. D. 1901

John D. Woods

Subscribed and sworn to before me
this *SEP* 1901

J. C. Clark

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 26 1901

ASST NG CHA...MA

NOTICE!

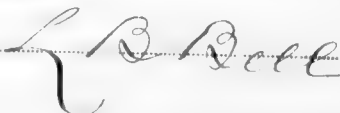
IN THE MATTER OF the application of Rolla Vann
for enrollment as Cherokee citizens:

Case No. D 843

To Rolla Vann Coody's Bluff I. T.

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 Ft. Gibson Indian Territory, on Sept. 26th 1901 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 Sept. 21st 1901.


Attorneys for the Cherokee Nation.

-P-

SUPPLEMENTAL: C.F. D-843, Rolla Vann.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 27, 1901.

In the matter of the application of Rolla Vann for enrollment
as a Cherokee Freedman;

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:

Messrs. L. B. Bell and Ja's Davenport, for Cherokee Nation.

BY COMMISSION: The Cherokee Nation makes satisfactory proof of service of notice on said Rolla Vann that testimony would be taken in the matter of his application for enrollment as a Cherokee Freedman, at Fort Gibson, on the 26th day of September, 1901; Said Rolla Vann has been called three times, and fails to respond.

JOHN H. COODY, being sworn, and examined by the Commission, testified as follows:

- Q What is your name? A John H. Coody.
Q How old are you? A 46 years old.
Q What is your post-office address? A Nowata, Indian Territory.
BY MR. BELL:
Q This is a case of Rolla Vann, Freedman claimant here for enrollment; do you know a Rolla Vann, Cooweescoowee District? A Yes sir.
Q Freedman? A Yes sir.
Q Son of Jim Vann? A Yes sir.
Q Did you know him before the war? A No sir.
Q When did you first become acquainted with him? A Somewhere along about '80 I guess, '81 or '2, '3, somewhere along in there.
Q Is Jim Vann alive now? A The old man Jim, no.
Q That's Rolla's father? A Yes sir, he is dead.
Q When did you first see these folks after 1865? A About that time about '80, they moved in the bottom just below my place, and done a good deal of work for me.
Q Well tell what you know about his return to the country after the close of the war? A Well old man Jim was doing a good deal of talk to me about his return; he said he never did claim they come here in regard to the treaty, but that this was his home and he come here to it, but he wasn't able to come in the right time, but as soon as he got able he come, but he never claimed to come inside of the treaty.
Q Did he bring Rolla with him? A Yes sir, and Young and Jesse.
Q Were those small children? A Yes sir, all but Rolla, he was about grown then, pretty near, but he always lived with his father.
BY COMMISSION:
Q You never saw Rolla Vann until about '80? A Somewhere along in there.
Q You don't know whether he lived in the Cherokee Nation previous to that time, and after the outbreak of the war? A No sir, only what the old man said.
Q His father state when they returned? A Well ~~said~~ only said that they didn't claim to come in time of the treaty.
Q Didn't state what year they came to the Cherokee Nation though?
A No sir.

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

Rolla Vann sup' 12

true and complete transcript of his stenographic notes thereof.

W. D. Green

Subscribed and sworn to before me this October 8th, 1901.



Commissioner.

Copy 4/10

Cherokee Freedman D-843.

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

In the matter of the application for the enrollment of Rolla Vann as a Cherokee Freedman.

DECISION.


The record herein shows that Dunk Vann appeared before the Commission at Nowata, Indian Territory, on June 24, 1901, and made application for the enrollment of his brother, Rolla Vann, as a Cherokee freedman. It appears that the said Rolla Vann was present in person at said time, but that his bodily afflictions were such as to render him incapable of giving satisfactory testimony in his own behalf.

The evidence shows that Rolla Vann was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The evidence further shows that the applicant has resided continuously in the Cherokee Nation since his return thereto.

It is, therefore, the opinion of this Commission that Rolla Vann should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 10, 1898, (30 Stat., 499), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

C. R. Beckwith
Commissioner.

W. E. Hance
Commissioner.

Nowata, Indian Territory.

This MAR 5 1902

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

In the matter of the application for the enrollment of Rolla Vann as
a Cherokee Freedman.

Cherokee F. D. 843.

Comes now the Cherokee Nation and respectfully protests against the
Decision of the Commission rendered in this case on March 5th 1904 and
prays an appeal to the Honorable Secretary of the Interior.

A R G U M E N T.

The record shows that this applicants name does not appear upon any
roll made of the citizens of the Cherokee Nation and the Cherokee Nation
contends that this application comes under the act of May 31 1900, which
provides that the Commission

"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."

Under this provision the Cherokee nation contends that the Commission
has no jurisdiction whatever over this case and that when the fact appears
that the applicant was old enough to have been upon a roll and was born
prior to the war and his name does not appear upon any roll whatever then
the Commission should refuse to proceed further and decline to hear any
more evidence and refuse to admit any witness to testify in behalf of
such applicant. Congress evidently thought that if any person had a just
claim to citizenship in the Cherokee nation that he would succeed in
getting his name upon some roll between 1880 and 1896, particularly when
a number of those rolls were pay rolls and it was to the interest of the
applicants to have their names listed upon said rolls and in this case it
can not be said that the Cherokee Nation was prejudiced against this appli-
cant because Mr Wallace made a roll in 1889 and the Kern & Clifton Com-

mission made a roll in 1896 and his name appears upon neither of these nor does his name appear upon any of the numerous Cherokee rolls made prior to 1896 and on May 31, 1900 Congress evidently intended to limit the work of the Commission to the enrollment of those persons who had theretofore been recognized as citizens of the Cherokee Nation to the extent of having been enrolled upon some roll thereof.

The testimony in this case is also conflicting as to whether or not the applicant returned. L. D. Daniels, one of the witnesses for the applicant did not see him until 1868 while his two relatives claim to have seen him earlier and as against this John H. Coody, who is a reputable witness, swears that he knows the family well; he knew that they were on no roll and he knew that the father of the applicant never claimed to be entitled to be enrolled as a citizen of the Cherokee Nation.

Under the opinion of Assistant Attorney General Van Devanter approved June 8, 1901, the unsoundness of applicants mind does not exempt him from the limitations within which he must return.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

107

107

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

W. C. BIXBY, CHIEF,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, IND. TER.

1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-843.

Muskogee, Indian Territory, April 14, 1904.

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 Rolla Vann as a Cherokee freedman, including the Commission's decision, dated March 5, 1904, granting said application.

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

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-40

copy

Cherokee Freedmen
D-843.

Muskogee, Indian Territory, April 14, 1904.

Dunk Vann,
Coody's Bluff, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your brother, Rolla Vann, as a Cherokee freedman, together with a copy of the Commission's decision dated March 5, 1904, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished 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,

Register
Enc. D-39.

Commissioner in Charge.

(C O P Y)

Refer in reply
to the following:
Land
25951-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON

September 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 14, 1904 transmitting the record of the application for enrollment as a Cherokee freedman of Rolla Vann.

March 5, 1904, the Commission decided favorably to the applicant.

The record shows that the applicant, Rolla Vann, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he left the Cherokee Nation and returned thereto prior to February 11, 1867 and has resided therein continuously to the date of the record. His name is not found on any roll pertaining to the Cherokee Nation but he alleges that he drew money upon the Wallace roll.

A protest has been filed in behalf of the Cherokee Nation against the decision of the Commission.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

A. C. Tonner
Acting Commissioner

H. M. W.
W.

(C O P Y)

D.C. 38507-1904
I.T.D. 7702-1904

W.C.F.
FHE
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 5, 1904.

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

Gentlemen:

April 14, 1904, you transmitted the record in the matter of the application for the enrollment of Rolla Vann as a Cherokee freedman, including your decision of March 5, 1904, granting said application. You also transmitted a copy of the protest of the Cherokee Nation against your decision.

Reporting in the matter September 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully ,

1 inclosure.

Thos Ryan
Acting Secretary

Cherokee Freedmen
D--843

Muskogee, Indian Territory, October 25, 1904.

Rolla Vann,

Coody's Bluff, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 5, 1904.

Respectfully,

Tamm B. Smith
Chairman.

COPY.

Cherokee Freedmen
D--843

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Rella Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 5, 1904.

Respectfully,

(SIGNED) *James Dixby.*
Chairman.

Cher Fr 1397

Trans. from Cher Fr D50

Cher Fr 1397

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 10th 1901,

In, the matter of the application of Henry Bean for the enrollment of himself as an intermarried Cherokee Freedman. He being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Henry Bean.
- Q What is your age? A. 49 or 50.
- Q What is your post office address? A. Tahlequah.
- Q What is your district? A. Tahlequah.
- Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir.
- Q Have you ever applied for enrollment as a Freedman of any other Nation? A. No sir.
- Q Is your name on the roll of 1880? A. Yes sir.

Applicant presents a license and certificate of marriage, certifying that he was married on the 28th of July, 1876 to Miss Francis Sanders.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant identified thereon as follows- Page 736 No. 150, Henry Bean, Tahlequah district.

- Q Were you a slave? A. Yes sir.
- Q Who was your owner? A. Charley Higby.
- Q Was he a Cherokee citizen? A. No sir.
- Q Was he a United States citizen? A. Yes sir, lived up in Missouri.
- Q Where were you born? A. In Missouri.
- Q You never did belong to a Cherokee citizen? A. No sir.
- Q When did you remove to the Cherokee Nation? A. After the war; I had been here two years when I married.
- Q Your claim for citizenship is only as an inter-married citizen? Yes sir.
- Q Have you always lived in the Cherokee Nation ever since your marriage? A. Yes sir.
- Q Living there now? A. Yes sir.
- Q Never have lived outside since your marriage? A. No sir.

By Com'r Needles,-

The name of Henry Bean appears on the authenticated roll of 1880 but not on the census roll of 1896; he presents satisfactory proof of his marriage as more particularly described in the testimony and which is filed herewith, and he claims citizenship, as stated in the testimony, as an intermarried citizen he having never been owned by a Cherokee citizen, consequently his name will be placed on a doubtful card.

o o

Chas. von Weise, being sworn states that as a 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.

Subscribed and sworn to before me this the 13th of April, 1901 at Ft. Gibson, I. T.

Chas. von Weise
T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

APR 12 1901

[Handwritten signature]
CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 10 1901

Post Office *Tabl*

District *Tabl*

1. Name *Henry Bean* Age *49*

Owner's name _____ Citizenship _____

Year *1880* Page *736* No. *150* District *Tabl*

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____ Age _____

Owners name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

- | | | | | | |
|-----|-------|------|------|-----|-------|
| 3. | _____ | Year | Page | No. | Dist. |
| 4. | _____ | Year | Page | No. | Dist. |
| 5. | _____ | Year | Page | No. | Dist. |
| 6. | _____ | Year | Page | No. | Dist. |
| 7. | _____ | Year | Page | No. | Dist. |
| 8. | _____ | Year | Page | No. | Dist. |
| 9. | _____ | Year | Page | No. | Dist. |
| 10. | _____ | Year | Page | No. | Dist. |
| 11. | _____ | Year | Page | No. | Dist. |
| 12. | _____ | Year | Page | No. | Dist. |

Application made by *no (1)*

Stenographer *Van Wense Chas.*

(1) Certificate of marriage between Henry Bean to Frances Sanders } filed.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 10 1901

[Handwritten signature]

Exhibit "A"

License granted to Henry Bean to marry Francis Sanders on the 28th day of July 1876.

Ceremony performed by Rev. J. M. Rights

I hereby certify that the above is a true from the records in the Clerk's office of Tahlequah District Cherokee Nation - Given under my hands & seal of office

This 30th November 1890

Allen Ross
Clerk T. D. C. 26

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

ss

In the matter of the application of Henry

Bean for enrollment as a Cherokee Freedman.

No. F. D. 50

Henry Pack, of lawful age, being duly sworn on oath states that on the 7th day of Sept, A. D., 1901, he registered to Henry bean whose postoffice is Tahlequah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 12th day of Sept, 1901, he received the return card which is hereto attached, signed by the said Henry bean, showing that he had received said notice.

Subscribed and sworn to before me on this the 18th day of Sept, A. D. 1901.

J. C. Starr
Notary Public.

D
100 100
INDIAN TERRITORY,
CHEROKEE NATION.

Tohlegnah, et al.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of _____ A. D. 1901.

Given under my hand this
day _____ A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the
day of _____, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the _____ day of _____ A. D. 1901

Subscribed and sworn to before me
this _____ day of _____ A. D. 1901

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

FILED
SEP 12 1901


ACTING CLERK

NOTICE!

IN THE MATTER OF The application of *Henry Bean*
for enrollment as a Cherokee Freedman.

Case No. F. D. *50*

To *Henry Bean, T. M. Smith & Co.*

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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *J. P. Smith* Indian Territory, on the following dates, to-wit: *SEP 11 1901* A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *SEP 7* day of *1901*, 1901.

L. B. Bell

Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 12, 1901.

In the matter of the application of Henry Bean for enrollment
as a Cherokee Freedman.

Evidence introduced on behalf of Cherokee Nation.

Appearances:

Applicant not present:

W. W. Hastings, of counsel for Cherokee Nation.

Commission: The Cherokee Nation offers satisfactory
proof of service of notice on the said Henry Bean that testimony
would be introduced in the matter of his application for enroll-
ment as a Cherokee Freedman on the 11th day of September, 1901,
at Fort Gibson, Indian Territory. Said Henry Bean has been
called three times and does not respond.

Mr. Hastings: The Cherokee Nation offers in evidence a
certified copy of the decision of the Supreme Court of the
Cherokee Nation, of date June 20, 1871, with reference to the
rights of intermarried colored persons.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the proceedings in the above case, and that the foregoing is a true
and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of September, 1901.

M. D. Green
Notary Public

Cherokee Freedman
D. O. C.

Jan

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

In the matter of the application of Henry Bean for enrollment as a Cherokee Freedman:

DECISION

The record in this case shows that on April 10, 1901, Henry Bean appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 12, 1901.

The applicant, Henry Bean, is duly identified on the 1880 authenticated roll of the Cherokee Nation.

The evidence shows that the applicant has continuously resided in the Cherokee Nation since 1850.

It is, therefore, the opinion of this Commission that Henry Bean should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 20, 1896 (30 Stat., 484), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Commissioner.

C. R. Beckwith

Commissioner.

W. E. Hancey

Commissioner.

Muskogee, Indian Territory,

this JUL 1 - 1903

LWYN

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. July 20th 1903.

Cherokee Freedmen D 50.

In the matter of the application of Henry Bean for enrollment as a Cherokee Freedman by Intermarriage.

Protest of the Cherokee Nation.

Comes now the Cherokee nation by its Representatives and respectfully protests against the decision of the Commission rendered in this case on July 1st 1903 and asks that the record be forwarded to the Honorable Secretary of the Interior for Review.

The testimony in this case shows that Henry ^BBean appeared before the Commission and applied as a Freedman citizen of the Cherokee Nation by intermarriage and said that he was born in the state of Missouri where he was living at the opening of the civil war, that he belonged to a citizen of the United States, and not a citizen of the Cherokee Nation and that he never came to the Cherokee nation until two years before he was married which was in 1876.

Under this testimony we submit that ~~his name~~ although the name of Henry Bean subsequently appears upon the authenticated roll of 1880 that he is not entitled to be enrolled as a citizen of the Cherokee Nation. The Commission enrolls him as a Cherokee Freedman and not a Freedman by intermarriage.

We contend that his name is fraudulently upon the 1880 roll under his own testimony and that he should not now be enrolled as a citizen of the Cherokee nation.

He doesnot claim to have been owned by a citizen of the Cherokee Nation nor does he claim that he returned to the Cherokee Nation within six months from July 19, 1866 and his enrollment both in 1880 and in 1896 was a fraud upon the Cherokee Nation and we think the Honorable Secretary of the Interior with the Departments general equity jurisdiction

(2.)

has a right to correct this fraud.

Respectfully Submitted,

L. B. Bell

W. W. Hastings

J. S. Davenport

(J. G. B.)

Attorneys for the Cherokee Nation.

81397.

IN RE
THE DEATH OF

Henry Bean
a citizen of the

Cherokee

Nation.

Approved

Dec. 21

1904

C. R. Breckinridge

Commissioner.

JH

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

In the matter of the death of Henry Bean (Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Tahlequah (Here insert name of postoffice.) Ind. Ter., and died on the 31 day of
January, 1903.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Francis Bean Freeman, on oath state that I am 50
years of age and a citizen, by Cherokee Nation;
that my postoffice address is Tahlequah (Here insert name of postoffice.) Ind. Ter.; that I am
the wife of Henry Bean (Here insert name of deceased.)
(State relationship as: the father; an uncle; a cousin, etc.)
Freeman who was a citizen, by Cherokee Nation;
and that said Henry Bean (Here insert name of deceased.) died on the 31 day of
January, 1903.

WITNESSES TO MARK:

(Must be Two Witnesses) } W. W. Hastings Tahlequah
P. H. Curless Lawyer

Subscribed and sworn to before me this 2 day of December 1904.

(Seal)

Francis L. Bean
mark

Mason
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Charles Whitman Freeman, on oath state that I am 36
years of age, and a citizen by Cherokee Nation;
that my postoffice address is Tahlequah (Here insert name of postoffice.) Ind. Ter.;
that I was personally acquainted with Henry Bean (Here insert name of deceased.)
Freeman who was a citizen, by Cherokee Nation;
and that said Henry Bean (Here insert name of deceased.) died on the 31 day of
January, 1903.

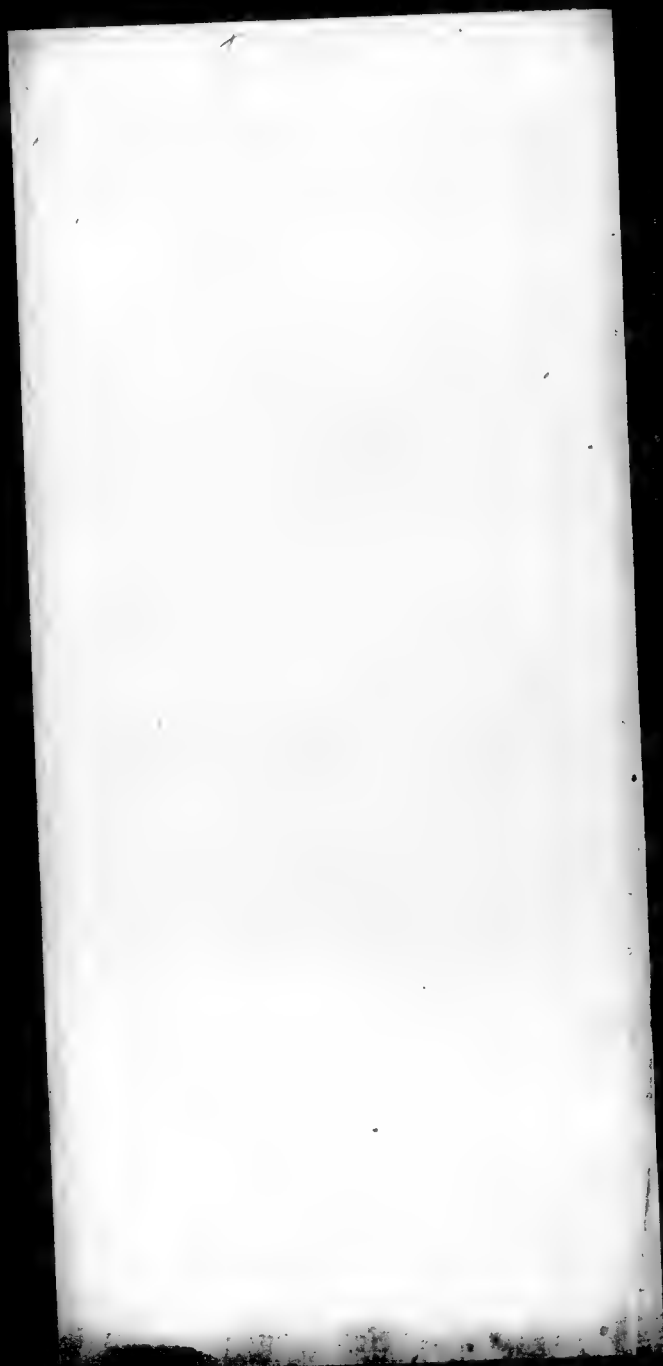
WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 2 day of December 1904.

(Seal)

John
Notary Public.



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Henry Bean,
Tahlequah, I. T.
Cherokee F-D-50
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-50.

Muskogee, Indian Territory, July 13, 1903.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, granting the application of Henry Bean for the enrollment of himself as a Cherokee Freedman.

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

Respectfully,

Commissioner in Charge.

Enc. H-125.

Cherokee Freedman
1-50

Muskogee, Indian Territory, July 20, 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 Henry Bean for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated July 1, 1903, granting said application.

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

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-126

COPY.

Cherokee Freedman
D-50

Muskogee, Indian Territory, July 28, 1903.

Henry Bean,

Tablequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated July 1, 1903, granting your said application.

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

T. D. Hodges

Enc. D-125
Register.

Commissioner in Charge.

Refer in reply
to the following:

Land
48551/1903

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

Jan. 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Henry Bean for the enrollment of himself as a Cherokee Freedman.

On July 1, 1903, the Commission rendered a decision in this case, finding that the applicant, Henry Bean, is duly identified on the 1880 authenticated roll of the Cherokee Nation and that he has continually resided in the Cherokee Nation since 1880, by reason of which facts the Commission is of the opinion that the applicant should be enrolled as a Cherokee Freedman in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898.

It appears from the record that the Cherokee Nation enters a protest to said decision of the Commission, on the ground that the said Henry Bean made application before the Commission as a Freedman Citizen of the Cherokee Nation by intermarriage. The Nation calls attention to the fact that the applicant

was born in the State of Missouri, where he was living at the opening of the Civil War; that he belonged to a citizen of the United States and not a Citizen of the Cherokee Nation; that he never came to the Cherokee Nation until two years before he was married, which was in 1876. The Nation then claims that this applicant is not entitled to be enrolled as a Citizen of the Cherokee Nation by reason of said facts, although his name does appear on the 1880 authenticated roll.

The nation further complains that the Commission enrolls this applicant as a Cherokee Freedman, instead of a Cherokee Freedman by intermarriage. The Nation further contends that the applicant's name is upon the 1880 roll fraudulently.

I have examined the testimony submitted in this case and find that the applicant states under oath that he was a slave; was born in Missouri; belonged to a United States citizen and never did belong to a Cherokee Citizen. He further states that he had resided in the Cherokee Nation two years when he was married, and a copy of his marriage license attached to the record shows that it was issued on July 28, 1876. It therefore appears that this applicant did not go to the Cherokee Nation until about 1874.

As stated above the Commission enrolls this party on the ground that he is fully identified on the 1880 authenticated roll of the Cherokee Nation, and he is further enrolled as a Cherokee Freedman and not as a Cherokee Freedman by intermarriage.

I consider that said decision of the Commission enrolling this applicant as a Freedman Citizen of the Cherokee Nation is not in accord with the facts as developed by the testimony and the record. I do not find anywhere in the record or the testimony that this applicant was enrolled on the 1880 roll of the Cherokee Nation as a Cherokee Freedman.

The record states

"The 1880 authenticated roll of the Cherokee Nation examined and the applicant identified thereon as follows-
Page 736, No. 150, Henry Bean, Tahlequah District."

By this it does not appear that the applicant's name is designated on the 1880 roll as that of a Cherokee Freedman. The evidence shows that he is not a Cherokee Freedman, and since this is true, together with the fact that his name does not appear on said 1880 roll as a Cherokee freed man, leads me to the conclusion that this applicant is enrolled on the 1880 roll without any reference to his being a Freedman or otherwise.

If this is correct, then I consider that the applicant is entitled to enrollment as a Citizen of the Cherokee Nation, under Section 21, of the Act of June 28, 1898, (30 Stats., 495), for said Section provides in part "That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee Citizens of eighteen hundred and eighty (not including Freedmen), as the only roll intended to be confirmed by

this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, etc."

As this applicant does not appear to have been enrolled as a Freedman, the parenthetical clause above mentioned is not applicable to him, and as the roll has otherwise been confirmed, I do not consider that the protest of the Nation on the ground of fraud can be entertained by this office.

If it should be shown that this applicant's name is on the 1880 roll as a Cherokee Freedman Citizen of the Nation, then I consider that the allegation of fraud could be investigated and inquired into and I further consider that under the evidence, which shows conclusively that the applicant was never a Cherokee Freedman, his name could then be stricken from the said roll and that that action should be taken by the Department; but as the record stands the applicant is clearly entitled to enrollment, not as a Cherokee Freedman Citizen, but as a Cherokee Citizen, and with this exception I agree with the decision of the Commission and recommend that said decision thus modified be approved by the Department.

I do not undertake to pass upon the rights of this applicant as a Cherokee Freedman Citizenship by intermarriage in this decision, and in fact the record does not give enough information relative to his marriage to determine that question, even if it were proper to do so at this time.

Very respectfully

VCB-H

A. C. Tonner
Acting Commissioner

(C O P Y)

D.C. 37737-1904.
I.T.D. 112-1904.

FHE
J.P

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 1, 1904.

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

Gentlemen:

On July 28, 1903, you transmitted the record in the matter of the application of Henry Bean , for the enrollment of himself as a Cherokee freedman, including your decision of July 1, 1903, granting said application.

In your decision you state that the applicant is duly identified on the 1880 authenticated roll of the Cherokee Nation, and that he has continuously resided in the Cherokee nation since 1860.

The attorneys for the Cherokee Nation protest against your decision, claiming that the applicant's name appears upon the 1880 roll by fraud, inasmuch as he does not claim to have been owned by a citizen of the Cherokee Nation, or that he returned to the Cherokee Nation within six months from July 19, 1866.

Reporting January 7, 1904, the Acting Commissioner of Indian Affairs states that he does not consider that your decision enrolling the applicant as a Cherokee freedman is in accord with the facts as developed by the testimony and the

record; that the record does not show that the applicant was enrolled on the 1880 roll of the Cherokee Nation as a Cherokee freedman; that it appears that his name is enrolled on the 1880 roll without any reference to his being a freedman or otherwise; that he considers the applicant is entitled to enrollment as a citizen of the Cherokee nation, under section 21 of the act of June 28, 1898 (30 Stat., 495), and he recommends that you be directed to enroll him, not as a Cherokee freedman citizen, but as a Cherokee citizen.

The Department does not concur in the Acting Commissioner's recommendation that the applicant be enrolled as a "Cherokee citizen". The record fails to show that he is possessed of Indian blood. His name appears upon the 1880 roll and the record shows that he is of African descent and a freedman. The Department is therefore of the opinion that your decision holding that the applicant is entitled to enrollment as a Cherokee freedman is correct, and the same is therefore affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully

1 inclosure.

Thos Ryan
Acting Secretary

COPY.

Cherokee Freedmen
D-80

Muskogee, Indian Territory, October 28, 1904.

Henry Bean,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, granting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tamm
Chairman.

24
Cherokee Freedmen
D-60

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's
decision dated July 1, 1903, granting the application of
Henry Bean for enrollment as a Cherokee freedman, was affirmed
by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tamm
Chairman.

REGISTRY RECEIPT

Post Office at

Fort Gibson, Okla.

Registered Letter
Parcel

No. 416 Rec'd

Sept 14th 1901

of

J. C. Starbuck
Fort Gibson, Okla.

addressed to

Henry Beauvais
Chickasha, Okla.
P. M.

Cher Fr 1398

Trans. from Cher Fr D906

Cher Fr 1398

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 27, 1901.

In the matter of the application of Ida Beck for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Ida Beck.
Q How old are you? A 21.
Q What is your post-office address? A Bartlesville.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A No, Cherokee descendants.
Q Is your name on the roll of 1892? A No, it is on the Clifton roll and Kerns.
Q What is your father's name? A Nelson Beck.
Q Is Nelson Beck living? A Yes sir.
Q Your mother's name? A Mina Beck.
Q Is she living? A Yes sir.
Q Where were you born? A Bartlesville.
Q In Kansas? A No, it aint in Kansas.
Q Oh, Bartlesville, beg your pardon; have you lived in the Cherokee Nation all your life? A Yes sir.
Q Are you married? A No sir.
Q Ever been married? A No never has been.
Q Got any children? A No sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 181 #4438 Ida Beck, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 103 #2199 Ida Beck, Cooweescoowee District.

- Q You claim your citizenship through your father or mother, or both? A Through them both.
Q Have they been listed for enrollment, both, here? A Yes sir.

Com'r Needles: Ida Beck applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; but is duly identified upon the Wallace roll and the Clifton roll, according to page and number of the rolls as indicated in the testimony; she avers that she is a daughter of Nelson and Mina Beck, and her mother, Mina Beck, and her other brothers and sisters are duly listed for enrollment upon D card 819 and the testimony taken in the matter of the application of Mina Beck for the enrollment of herself and family will be made part of the testimony in the case at bar and a copy thereof will be filed herewith; and said Ida Beck will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be notified by mail by the Commission at her post-office address of their action in the premises; her father, Nelson Beck, is listed for enrollment upon straight card number 1100.

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

Subscribed and sworn to before me this July 11, 1901.


Commissioner.

B

30906

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

FILED
JUN 27 1901



ATTORNEY GENERAL

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 27, 1901*
Post Office *Bartlesville, T.*
District *Co.*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife *Ida Beck* Age *21*

Owner's name _____ Citizenship _____
Year *K.C.* Page *181* No. *4438* District *Co.*

Parents:

Father *Miss. Beck - living* Citizenship _____
Mother *Anna* _____ Citizenship _____

Names of Children:

- 3. _____ Year _____ Page _____ No. _____ Dist. _____
- 4. _____ Year _____ Page _____ No. _____ Dist. _____
- 5. _____ Year _____ Page _____ No. _____ Dist. _____
- 6. _____ Year _____ Page _____ No. _____ Dist. _____
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Beck

Application made by _____ Stenographer *M. L. ...*

1 On Wallace roll, Page 03 #2, 89 - Co.

X P of 10819

To be filed in the case of Ida Beck, CFD-906.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22d, 1901.

In the matter of the application of Mina Beck for the enrollment of herself and ten children as Cherokee Freedmen; said Beck being sworn and examined by Commissioner T.B. Needles, testified as follows:

- Q What is your name? A Mina Beck.
Q How old are you, Mina? A About 41 I guess.
Q What is your post office? A Bartlesville.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many have you got? A (Hands paper to COM'R.)
Q Is your name on the roll of 1880? A I don't know whether it is or not.
Q What is your husband's name? A Nelson Beck.
Q Has he been enrolled? A There he is, he will apply for himself.
Q What was your father's name? A George Bryant.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Millie Bryant.
Q Is she living? A No, sir, she is dead.
Q Now, first child under age is Fanny is it? A No sir.
Q How old is Fanny? A Fanny's 20.
Q What is the next one, James? A James.
Q What is he, 19? A Yes, sir.
Q What is the next one, Hattie? A Hattie.
Q Is she 17? A Yes, sir.
Q What is the next one? A George.
Q Is he 15? A Yes, sir.
Q What is the next one? A Florence.
Q Is she 12? A Yes, sir.
Q What is the next one, Nelson? A Yes, sir.
Q Is he named after his father? A Yes, sir.
Q Nelson, Jr.? A Yes, sir.
Q He is ten? A Yes, sir.
Q Next one? A Dempsey.
Q Nine? A Yes, sir.
Q Viola, four; next one? A Lewis.
Q He was three? A Yes, sir.
Q Next one Cora? A Yes, sir.
Q She is three months old is she? A Yes, sir.
Q Now you say your father, George Bryant has been enrolled? Yes, sir.
Q Does his testimony cover your case, do you know? A I don't know.
Q Are these children all Beck? A Yes, sir, they is all Beck's.
Q Were you ever married before you married Nelson Beck? A Once.
Q What was that husband's name? A Martin.
Q Was he living? A No, sir, dead.
Q Did you have any children by him? A Only one, girl she is married.
Q Well, did you draw what is known as Kern-Clifton money? No, sir, I drew at the Wallace.
Q The Wallace is all you drew? A Yes, sir.
Q Have you got witnesses? A Yes, sir.
Q Who are your witnesses? A Millie Frye and Captain Hicks.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 103, #2187, Minnie Beck, Cooweescoowee District;

Mina Beck et al 2.

Page 103, #2191, Fanny Beck, Cooweescoowee District;
Page 103, #2192, James Beck, Cooweescoowee District.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicant's children found thereon as follows:

Page 181, #4439, Fanny Beck, Cooweescoowee District;
Page 181, #4440, James Beck, Cooweescoowee District;
Page 181, #4441, Hattie Beck, Cooweescoowee District;
Page 181, #4442, George Beck, Cooweescoowee District;
Page 181, #4443, Florence Beck, Cooweescoowee District;
Page 181, #4444, Nelson Beck, Cooweescoowee District;
Page 181, #4445, Demps Beck, Cooweescoowee District.

Q Is your husband's name on the roll of 1880? A I don't know, sir, it ought to be.

Q How did it happen your children got on the Kern-Clifton roll and you didn't? A I don't know.

Q You knew your name wasn't on the roll of 1880 didn't you? A I guess it aint.

Q Were you a slave? A Yes, sir.

Q To whom did you belong? A Belonged to Bryant, my father, Joel Bryant.

Q Is he a Cherokee citizen? A Yes, sir.

Q Where were you born? A On Grand river.

Q Cherokee Nation? A Yes, sir.

Q Well, did you go out of the Cherokee Nation during the war?

A I suppose I did, but if I did I don't recollect.

Q Where do you recollect being the first time you can recollect?

A Grand river.

Q In the Cherokee Nation? A Yes, sir.

Q You don't know anything about being taken out? A No, sir. Don't know anything about being taken out and coming back either.

MILLIE FRYE, being sworn and examined by Commissioner T. Needles, testified as follows:

Q What is your name? A Millie Frye.

Q How old are you? A 64.

Q What is your post-office? A Vinita.

Q You are recognized Freedman are you? A Yes, sir.

Q On the roll of 1880? A Yes, sir.

Q Do you know Mina Beck, the applicant here? A Yes, sir.

Q How long have you known her? A Ever since she was a baby.

Q What was her father's name? A George Bryant.

Q What was her mother's name? A Millie.

Q Were George and Millie slaves? A Yes, sir; George belonged to Joel Bryant.

Q Were they taken out of the Cherokee nation during the war?

A Yes, sir, they went to Douglas County, Kansas.

Q When did they return? A They returned, I don't know, when I saw George it was along in '67.

Q Was Mina with him? A Yes, sir.

Q Mina was with him at that time? A Yes, sir.

Q And that is the first time you saw them? A Yes, sir; it was in April, '67.

Q Where was that? A Near Delaware District.

Q They didn't come back with you? A No, sir.

Q Are you an aunt of this applicant? A Her mother was my Aunt.

FILMORE HICKS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Your name is Filmore Hicks? A Yes, sir.

Mina Beck et al 3.

- Q What is your age? A 52.
- Q Do you know Mina Beck, the applicant? A Yes, sir.
- Q Did you know her father? A Yes, sir, his name was George Bryant
- Q What was her mother? A Millie Bryant.
- Q Were they slaves? A Yes, sir, I think they were, I didn't know them before the war.
- Q Do you know where they went to during the war? A Only what they told me.
- Q Well, when did George Bryant and this child return after the war? A I saw them on Grand river.
- Q What year? A It was in '67
- Q What part of '67? A Right first of the year, about February.
- Q Well, have you known them ever since that time? A Yes, sir, I have known them ever since.
- Q Is she married? A I haven't seen her very regular since myself.
- Q Do you know whether she is married or not? A No, sir.
- Q Then the first time you saw them was in January or February, 1867? A Yes, sir, that is my first recollection.
- Q Did you know which it was? A I think it was in February, though I would not be positive.
- BY MR. HASTINGS, Cherokee Representative:
- Q Where were they living? A They was living on the other side of the river.
- Q On whose place? A They lived on the place that Aaron Martin built.
- Q Aaron Martin had lived there the year before had he? A Yes, sir.
- Q Well, ~~was~~ was it on the east or west side of the river? A On the east side.
- Q Now, what Cherokees lived nearest to them at that time?
- A (No response)
- Q How far from George Clark? A About four or five miles.
- Q Well, who else was living around there? A Millie Frye.
- Q How far was Millie Frye living? A About five or six miles.
- Q What old place is that nearest they come to? A My father's old place.

MINA BECK, the applicant, recalled; BY COM'R NEEDLES:

- Q Are these children all living at this time? A Yes, sir.
- Q When were you married to Nelson Beck? A Never was married to him.
- Q Never have been married to Nelson Beck? A No, sir.
- Q I thought you said Nelson Beck was your husband? A Of course he is my husband, but we wasn't married.
- Q How long have you been living with him? A 22 years.
- Q Been living together 22 or 23 years as husband and wife? A Yes, sir.

MILLIE FRYE recalled;

- Q Do you know Nelson Beck? A No sir, never knew him until after she married him.
- Q How long have ~~ya~~ Millie and Nelson been living together?
- A I don't know I saw him at the Wallace Court and he told me that he had married this girl and that is all I know about it, they didn't live anywheres near us.
- Q And you don't know whether they have been living together all this time as husband and wife or not? A No, sir.

MARY BECK, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Beck.
- Q How old are you? A I don't know my age.
- Q Well, about how old? A I don't know.
- Q Over ten aren't you? A Yes, sir, I never stated my age, I

Mina Beck et al 4.

would not give any guess at it.

Q Well, do you know, Mina Beck? A Yes, sir.

Q What relation are you to her? A Might be called sisters-in-laws I guess we married sisters.

Q Do you know Nelson Beck? A Yes, sir.

Q How long have you known Nelson and Mina? A I have been knowing about 22 or 23 years.

Q Do you know whether they have been married or not? A Yes, sir.

Q Do you know they have been living together? A Yes, sir.

Q They are considered as man and wife? A Yes, sir.

AMY BEAN, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Amy Bean.

Q What is your age, Amy? A 45a

Q Post-office? A Vinita.

Q Do you know Mina Beck, the applicant? A Yes, sir.

Q How long have you known her? A I have known her ~~tax~~ now for about 33 or 4 years.

Q Did you know her father? A Yes, sir.

Q What was his name? A George Bryant.

Q What was her mother? A Millie.

Q Were they slaves? A Yes, sir.

Q Who did they belong to? A I don't know.

Q Do you know whether they went out of the Cherokee Nation during the war or not? A Yes, sir.

Q Where did they go? A Went to Kansas.

Q When was the first time you saw Milli Beck after the war?

A I saw her in '67.

Q What month? A That was along in the summer, I don't know exactly what time.

Q Where was that? A Down on Grand river.

Q Well, did you see her father at that time? A No, sir, I saw her mother.

Q Her mother isn't living now? A No, sir, she is dead.

Q Have you know her since that? A Yes, sir.

Q Do you know her as Mina Beck; do you ~~know~~ her her husband, Nelson?

A Yes, sir, but I am not much acquainted with him.

Q Do you understand that they have been living together as man and wife? A Yes, sir, ever since I heard of them.

Q You think the first time you saw her was in the summer of '67?

A Yes, sir.

COM'R NEEDLES: Mina Beck applies for the enrollment of herself and ten children. She cannot be identified upon the census roll of 1896 or authenticated roll of 1880; she is identified upon the Wallace roll. She avers that she has lived with Nelson Beck for the last 22 or 23 years, but that she was never married to him. They have been living together continuously since that time as man and wife and she presents satisfactory proof to that effect. She avers that she was a slave of Joel Bryant; her father ~~was George Bryant and her mother Millie.~~ The testimony shows in the case that she was taken to the State of Kansas during the war but didn't return until the year 1867. The names of her children for whom she applies are all identified upon the Kern Clifton roll, except her three younger Viola, Lewis and Cora; their names are not identified upon any of the rolls and it will be necessary for her to make satisfactory proof as to their birth. Consequently, Mina Beck and her ten children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card.

COMMISSIONER OF THE
GENERAL LAND OFFICE
WASHINGTON, D. C.
JUL 10 1901
Mina Beck et al 5

She will be notified by mail of the final decision of the Commission.

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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.

(signed) J.O. Rosson.

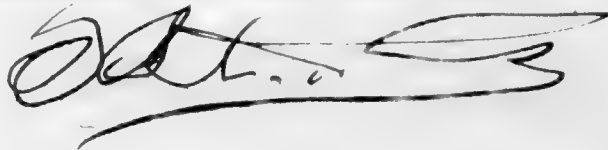
Subscribed and sworn to before me this 10th day of July, 1901.

(signed) T.B. Needles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green

Subscribed and sworn to before me this August 27th, 1901.



Commissioner.

To be filed in F. D. 906

Department of the Interior,
Commission to the Five Civilized Tribes.
Nowata, I. T. June 25th, 1901.

In the matter of the application of Nelson Beck for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Nelson Beck.
Q What is your age? A 44 or 45.
Q What is your post office address? A Bartlesville.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A Just myself
Q Is your name on the roll of 1880? A I think it is.
Q You know it isn't don't you? A No sir, I dont.
Q Is your name on any of the rolls? A Yes sir on the Wallace and Kern.

Applicant not found on the roll of 1880.
Applicant not found on the roll of 1896.

Kern Clinton roll examined and applicant found as follows:
Page 181 No 4436 Nelson Beck, Cooweescoowee District.

Wallace roll examined and applicant found as follows:
Page 103 No 2186, Nelson Beck Cooweescoowee District.

- Q Were you a slave? A Yes sir.
Q Who did you belong to? A Joe Beck.
Q Was he a Cherokee Citizen? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A No sir
Q Never went outside of the Territory? A No sir.
Q Where were you born? A I was born in the Cherokee Nation.
Q How does it happen that your name is not on the roll of 1880?
A The rest of them is on?
Q Sisters and brothers and my father.
Q Is your mother? A She died before the war.
Q What is your father's name? A Jim Beck.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicants father found as follows:
Page 740 No 269 James Beck, Tahlequah District.

- Q Have you any brothers and sisters on the 1880 roll? A Yes sir
Q What was your oldest brother's name or Sisters? A Maryland.
By Hastings, Cherokee representative:
Q He went to Kansas? A Yes sir.
By Com'r Needles:

- Q The next ones name? A Sam.

By Hastings:

- Q He went to Kansas? A Yes sir.

By Commissioner Needles:

- Q The next ones name? A Lucy or Lewis.
Q Is he on the roll of 1880? A Lucy is.
Q Next one? A Rachel.
Q Next one? A Sylvia.
Q Have you one younger than Sylvia? A Yes sir Carrie.
Q Have you a younger one than that? A Jim, he is living on 14 -
mile Creek.
By Hastings:

- Q How old is he? A I dont know.
Q More than 20? A Yes sir I guess he is.

By Com'r Needles:

- Q Have you any that are dead? A Yes sir.
Q Which one? A Lewis, Dempsy and Watt.
Q Never had one named Walter? A Not as I knowed of.
Q Did you ever have a sister named Mary? A Yes sir.
Q Is she on the roll of 1880? A I dont think she is.
Q You say you were born in the Cherokee Nation? A Yes sir.
Q And your father's name was James Beck? A Yes sir.
Q What was your mother's name? A Lottie, I had a step mother name ed Jennie.
Q Your mother died before the war? A Yes sir.
Q Never had a sister named Carrie? A Yes sir, a half sister .

Hastings:

- Q Were you old enough to remember anything before the war? A not much.
Q Do you remember anything during the war? A Yes sir.
Q Where were you living then? A Fort Gibson.
Q In town? A Near there.
Q How long did you stay there? A Until peace was declared.
Q Did you live with your step-mother? A Yes sir.
Q How is it that you and Sam separated? A He was older than I was and I stayed with my father.
Q Who took Sam out? A I dont know.
Q Just after the war where did you settle, in '66 or '65? A Two miles from town and made a crop.
Q On whose place? A I dont know, just an old field.
Q Did'nt you find out whose field it was? A No sir.
Q Do you mean two miles east of town? A Yes sir on a branch.
Q How long did you stay there ? A We staid there a while and father said we had to move back as we were inside of the corporation.
Q How far back did you move then? A On the other side of the old cemetery.
Q Did you stay with your father until he died? A No sir.
Q Where did you go? A I staid around Fort Gibson a while.
Q Then where did you go? A Claremore, and worked for Major Lipe.
Q Did you ever work in Kansas? A Yes sir, I worked there.
Q Were you ever sent to the penitentiary? A Yes sir, they had me charged with stealing a horse.
Q Was that in Kansas? A No sir, the horse I was charged with stealing belonged to Major Lipe, I traded for it from a fellow who said he had bought it in Texas, they caught me riding it and arrested me.
Q They convicted you of stealing it? A Yow sir.
Q Where were you married? A On Big Creek.
Q When was that? A 22 or 3 years ago.
Q Have you been living with your wife ever since? A Yes sir.
Q Where? A On Caney, near Bartlesville.
Q How many children were with you during the war? A Me and Dempsy Celly, she is dead, and Rachel and then my step-mothers girl, Sallie.
Q Your father had married then again before the war? A Yes sir.
Q You dont remember your mother? A No sir.
Q Did your father ever go out of the Cherokee Nation during the war? A No sir.
Q Who did you belong to before the war? A Old Joe Beck
Q He was a Cherokee citizen, was he? A Yes sir.

LASLEY

COLUMBUS ~~XXXXXX~~ called and sworn as a witness for the applicant-

By Com'r Needles:

- Q What is your name? A Columbus Lasley.
Q What is your age? A 53
Q What is your postoffice address? A Tahlequah.
Q Are you a recognized citizen? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Ever since '63 I guess.
Q Was he a slave? A I dont know.
Q Where did you see him after the war the first time? A At Fort Gibson.
Q What year was that? A From the time I speak of until '76 I suppose.
Q Here in the Cherokee Nation? A Yes sir.
Q At Fort Gibson? A Yes sir.
Q Have you known him any since '76? A I saw him at Chelsea when we met there.
Q You dont know if he has been living here continuously since you saw him in '76? A Not as I know of, I dont know anything about him much since then.

By Hastings:

- Q You dont know where he has been living since then? A I hear he has been living in this district.
Q You dont know of his living in Kansas? No sir.

L. D. DANIELS called and sworn as a witness for the applicant.

By Com'r Needles:

- Q What is your name? A L. D. Daniels, age 56, postoffice Claremore.
Q You are a recognized Cherokee citizen? A Yes sir.
Q Freedman? A Yes sir.
Q Do you know the applicant here? A Yes sir.
Q How long have you known him? A Ever since '63.
Q Where did you know him in '63? A Fort Gibson, sir.
Q Was he a slave? A I dont know of my own personal knowledge.
Q Did you know his father? A Yes sir.
Q How long did you know him? A This man here came there with his father in '63.
Q How long since '63 have you known him? A Ever since.
Q Where has he lived here since? A When he left Fort Gibson it was in '72 or '73, he moved from there to Major Lipes near Claremore, and when I moved there in '75 I found him on Big Creek with Maryland and his other brothers and then he married and lived on Caney near Bartlesville.
Q Do you know anything about him living in Kansas? A No sir.

By the Commission of Applicant:

- Q You say you are married? A No sir just living with a woman.
Q What is her name? A Mina Bryant.
Q Is she a citizen? A Yes sir.
Q Has she any children? A Yes sir.
Q Have you any children? A Yes sir.
Q How many? A 13
Q All living now? A One of them is a step child, it is her child.
Q How long have you been married to her, or lived with her? A About 23 years.
Q Have you always lived with your family in the Cherokee Nation?
A Yes sir.

By Com'r Needles,

Nelson Beck applies for himself, he is identified on the Wallace and Kern Clifton rolls, but not on the authenticated roll of 1880 or the census roll of 1896; he avers that he is the son of James Beck and Lottie Beck, and James Beck is identified on the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony; his mother died before the war. Applicant avers that he was born and raised in the Cherokee Nation and never left it. He makes satisfactory proof as to his residence and proves that he was here in 1863 and that he has continued to live here ever since that time; he will now be listed for enrollment as a Cherokee freedman.

By James Davenport, Cherokee representative:

"The representatives for the Cherokee Nation protest against the enrollment of this applicant on a straight card."

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

Chas. von Weise.

Subscribed and sworn to before me this the 9th day of July 1901.

T. B. Needles,
Commissioner.

Ella Mielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy and that the same is a full and correct copy of the original transcript.

Ella Mielenz
Notary Public.

Subscribed and sworn to before me this 21st day of July 1902.

[Signature]
Notary Public.

To be filed in F. D. 906
Freedman Straight 1100.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 23, 1902.

In the matter of the application of Nelson Beck for the enrollment
of himself as a Cherokee Freedman.

SUPPLEMENTAL TO F. 1100.

APPEARANCES:

Lewis T. Brown for applicant.

W. W. Hastings for Cherokee Nation.

Nelson Beck being first duly sworn, testified as follows:

MR. BROWN: State your name? A Nelson Beck.

Q What is your age, Mr. Beck? A Well, I just been guessing at it
guess about 48 somewhere.

Q What is your postoffice address? A Bartlesville.

Q You have already applied for enrollment? A Yes sir.

Q What is your wife's name, Mr. Beck? A Mina Beck.

Q Has she already been listed for enrollment? A Yes sir.

Q Have you any children by your wife, Mina Beck? A Yes sir.

Q How many? A About ten I believe.

Q Now at the time your application was made did you apply for the
enrollment of all your children? A No sir, she did; she enrolled
first, and they enrolled them with her I guess.

Q Your wife then made application for the enrollment of these
children? A Yes sir.

Q Do you elect now to have these children enrolled with you? A
Yes sir, I would like to have them enrolled with me.

MR. HASTINGS: Was this woman ever married before she
married you? A Yes sir, she was married before.

Q And had a child? A Yes sir.

Q Where was she married to her first husband? A Dont know; never
seen her first husband.

Q When did you first get acquainted with her? A In about
twenty-three or four years ago.

Q Where is her first husband? A Dead.

Q When did she die? A I dont know, he was dead when I got ac-
quainted with her she said.

Q She said he was dead; were you ever married before yourself?
A No sir.

Q This is your first wife? A Yes sir.

MR. BROWN: Now the child that she has by her first husband
isn't included in the ten children for whom she applied? A Why
it enrolled for itself.

Q It was of age? A Yes sir.

MR. HASTINGS: What was its name? A Charlotte Beck.

Q Well does she go by the name of Charlotte Beck now? A Yes sir.

Q She's never married? A No, sir, she was'nt then, but I guess
she is now; she's living with a man.

COMMISSION: The above testimony will be filed with
and made a part of the record in F. D. No 819

Arthur G. Croninger, being first duly sworn, states that as sten-
ographer to the Commission to the Five Civilized Tribes he report-
ed in full the testimony and proceedings in the above case, and
that the foregoing is a true and complete transcript of his sten-
ographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July 1902.

P. G. Reuter, Notary Public

(S E A L)

Ella Mielens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she copied the foregoing and that the same is a true and correct copy of the original transcript.

Ella Mielens

Subscribed and sworn to before me this 19th day of July 1902.

[Signature]
Notary Public.

F. D-306.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of Ida Beck for the enrollment
of herself as a Cherokee freedman.

APPEARANCES:

Lewis T. Brown for applicant.

W. W. Hastings for Cherokee Nation.

SUPPLEMENTAL TO D-306.

COMMISSION: It is directed that a copy of all the testimony
had in the matter of the applicant's father, Nelson Beck, Cherokee
Freedman Roll Card Field No. 1100, be filed with and made a part of
the record in this case.

Arthur G. Croninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the 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 3rd day of July, 1902.

Seal

Notary Public.

(COPY)

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

In the matter of the application for the enrollment of
Mina Beck, et al., as Cherokee Freedmen, consolidating the applica-
tions of

Mina Beck, et al.,	Cherokee Freedmen	D 819
Charlotte Beck,	"	D 855
Ida Beck,	"	D 906
Nelson Beck,	"	#1100

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

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Mina Beck for herself and her minor children, Fanny, James, Hattie, George, Florence, Nelson, Jr., Dempsey, Viola, Lewis and Cora Beck; by Charlotte Beck for herself; by Ida Beck for herself; and by Nelson Beck for himself.

The evidence shows that the applicants Mina Beck and Nelson Beck were the slaves of Cherokee citizens at the commencement of the rebellion; that Mina Beck left the Cherokee Nation during the rebellion and did not return thereto within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation; that Nelson Beck resided in said Nation continuously from 1863 to about 1872; that since 1872 he has also resided in said Nation continuously, except during the time he was confined in the penitentiary in Kansas, but this, being an involuntary change of residence, is not considered as affecting his domicile in the Cherokee Nation. The evidence further shows that the applicant Charlotte Beck is a daughter of Mina Beck, born since 1866, and has no right to enrollment except such as she may have derived through the said Mina Beck. All the applicants herein except Nelson, Mina and Charlotte Beck are the children of said Nelson Beck, born since 1866, and claim right to enrollment through him. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It further appears that the applicant George Beck died on September 24, 1901.

Section 25 of the Act of Congress, approved July 1, 1902, (32 Stats. 716), provides that,

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

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mina Beck and Charlette Beck as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495); and that the said Fanny Beck, James Beck, Hattie Beck, Florence Beck, Nelson Beck, Jr., Dempsy Beck, Viola Beck, Lewis Beck, Cora Beck, Ida Beck and Nelson Beck should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the said act of Congress, and it is so ordered. It is further ordered that the application for the enrollment of George Beck as a Cherokee freedman be, and the same is, hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Dated at Muskogee, I. T.,

this Jul 21 1904

K 2926

RECEIVED
FIELD
MAR 22 1902

[Handwritten signature]
CHIEF OF BUREAU

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Ida Beck,

Bartlesville, I.T.

Cherokee F-D-905

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-219, D-255, D-906
1100.

Muskogee, Indian Territory, July 21, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 21, 1904, in the consolidated case of Mina Beck, et al., granting the applications for the enrollment of Fanny, James, Mattie, Florence, Nelson Jr., Despney, Viola, Lewis, Corn, Ida and Nelson Beck as Cherokee freedmen, and rejecting the other applicants mentioned therein.

You are advised that you will be allowed 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. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. S-74.

Commissioner in Charge.

Cherokee Freedman,
D-906.

Muskogee, Indian Territory, August 12, 1904.

Ida Beck,

Bartlesville, Indian Territory.

~~Dear~~ Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 21, 1904, in the consolidated case of Mina Beck, et al., granting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Tahlequah, Indian Territory, a copy of the record of proceedings and there has been this day 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 the said Mina Beck.

The decision, with 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.
DTS-11.

Commissioner in Charge.

Cherokee Freedmen,
D-906, D-819,
and 1100.

Muskogee, Indian Territory, August 12, 1904.

Louis T. Brown,

Agent for Mina Beck, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 21, 1904, in the consolidated case of Mina Beck, et al., granting the applications for the enrollment of Fanny, James, Hattie, Florence, Nelson, Jr., Dempsey, Viola, Lewis, Cora, Ida and Nelson Beck, and rejecting the applications for the enrollment of Mina and Charlotte Beck, and dismissing the application of George Beck, as Cherokee freedmen. You have heretofore been furnished with a copy of the proceedings.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to those applications granted, a copy of which protest has been furnished to the principal applicant, Mina Beck, by the attorneys for the Nation.

I.T.R.

-2-

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

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc.
HIS-14.

Muskogee, Indian Territory, August 12, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mina Beek, et al., including the Commission's decision, dated July 21, 1904, granting the applications for the enrollment of Fanny, James, Hattie, Florence, Nelson, Jr., Dempsey, Viola, Lewis, Cora, Ida and Nelson Beck, rejecting the applications for the enrollment of Mina and Charlotte Beek, and dismissing the application for the enrollment of George Beek, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission as to those applications granted, a copy of which protest is inclosed.

Respectfully,

T. P. A.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer in reply to DEPARTMENT OF THE INTERIOR,
the following:

OFFICE OF INDIAN AFFAIRS,

Land.

WASHINGTON, September 7, 1904.

55756-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 12, 1904, transmitting the record of the applications for enrollment as Cherokee freedmen by Mina Beck for herself and her minor children, Fanny, Dempsey, Hattie, George, Florence, Nelson Jr., James, Viola, Lewis and Cora Beck; by Charlotte Beck for herself; by Ida Beck for herself; and by Nelson Beck for himself.

July 21, 1904 the Commission denied the applications for enrollment of Mina Beck and Charlotte Beck, dismissed that of George Beck by reason of his death and decided favorably upon the applications of Fanny, James, Lewis, Cora, Ida and Nelson Beck.

The record shows that George Beck died September 24, 1901 that Mina Beck was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and that she did not return to the Nation on or before February 11, 1867. It is also shown

that Charlotte Beck is a daughter of Mina Beck born since 1866 and has no right to enrollment except such as she may derive.

It is further shown that Nelson Beck was the slave of a Cherokee citizen at the beginning of the war and remained in the Cherokee Nation up to the date of the record, excepting a term confined in the Kansas penitentiary; that all of the other applicants are the children of Nelson Beck.

In view of the record, the approval of the Commission's decision is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

MMM/LM

(COPY)

W. C. F.

PHE

DEPARTMENT OF THE INTERIOR,

D. C. 38223-1904. WASHINGTON. September 22, 1904.

I. T. D. 7192-1904.

7993- "

Y. P.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 12, 1904, you transmitted the record in the matter of the Cherokee freedman case of Mina Beck, et al., including your decision of July 21, 1904, rejecting the application for the enrollment of Mina Beck and Charlotte Beck, dismissing the application for the enrollment of George Beck by reason of his death on September 24, 1901, and granting the application for the enrollment of Fanny Beck, James Beck, Hattie Beck, Florence Beck, Nelson Beck Jr., Dempsey Beck, Viola Beck, Lewis Beck, Cora Beck, Ida Beck and Nelson Beck.

Reporting September 7, 1904, the Commissioner of Indian affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is affirmed, except in so far as it affects the applicant Mina Beck. You rejected the applicant Mina Beck for the reason that she did not return to the Cherokee Nation prior to February 11, 1867. It appears that said Mina Beck is the wife of Nelson Beck, and it is desired that you adjudicate whatever rights

she may have as a Cherokee freedman by intermarriage.

Subsequent to the preparation of this decision the Department received a communication from Messrs. Zevely & Givens, dated September 15, 1904, transmitting a motion for rehearing as to the application of Mina Beck. Said motion does not show service upon the attorneys for the Cherokee Nation, and is therefore inclosed herewith, to be returned to said attorneys.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

2 inclosure.

No motion enclosed

R. H.

Cherokee Freedmen
D-906

Muskogee, Indian Territory, October 28, 1904.

Ida Beck,

Bartlesville, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 21, 1904, granting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 22, 1904.

Respectfully,

Chairman.

OPY.

Cherokee Freedmen
D-906 et al.

Muskogee, Indian Territory, October 28, 1904.

Louis T. Brown,

Attorney for Ida Beck, et al.,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 21, 1904, granting, among others, the application for the enrollment of Ida and Nelson Beck, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 22, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-818 et al.

Muskogee, Indian Territory, October 28, 1904.

Beal, Hastings and Deavenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 21, 1904, rejecting the applications for the enrollment of Mina and Charlotte Beck, granting the applications for the enrollment of Ida, Nelson, Fanny, James, Mattie, Florence, Nelson Sr., Dempsey, Viola, Lewis and Cora Beck, and dismissing the application for the enrollment of George Beck, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 22, 1904, as to all except the said Mina Beck, and the Commission ordered to adjudicate her rights to enrollment as a Cherokee freedman by intermarriage.

Respectfully,

Chairman.

COMMISSION TO THE FIVE CIVILIZED TRIBES
R. I. C. 70 72
JAN 1 1907

Wm. H. Miller

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of

I da Beck

for enrollment as a Freedman

of the Cherokee Nation.

Cherokee File No. 904

Louis J. Brown

Sergeant

Cher Fr 1399

Trans from Cher Fr 819

Cher Fr 1399

(C O P Y)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOWATA, I. T., JUNE 22d, 1901.

In the matter of the application of MINA BECK for the enrollment of herself and ten children as Cherokee Freedmen; said Beck being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Mina Beck.
Q How old are you Mina? A About 41 I guess
Q What is your postoffice? A Bartlesville
Q What district do you live in? A Coowasecoowee
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Who do you want to enroll besides yourself? A My children.
Q How many have you got? A (Hands paper to Comr.)
Q Is your name on the roll of 1880? A I don't know whether it is or not.
Q What is your husbands name? A Nelson Beck.
Q Has he been enrolled? A There he is, he will apply for him self.
Q What was your father's name? A George Bryant.
Q Is he living? A Yes sir
Q What is your mother's name? A Millie Bryant.
Q Is she living? A No sir, she is dead.
Q How first child under age is Fanny is it? A No sir.
Q How old is Fanny? A Fanny's 20.
Q What is the next one, James? A James
Q What is he, 19? A Yes sir.
Q What is the next one, Hattie? A Hattie.
Q Is she 17? A Yes sir
Q What is the next one? A George.
Q Is he 15? A Yes sir
Q What is the next one? A Florence.
Q Is she 12? A Yes sir.
Q What is the next one, Nelson? A Yes sir
Q Is he named after his father? A Yes sir
Q Nelson, Jr.? A Yes sir
Q He is ten? A Yes sir.
Q Next one? A Dempsey
Q Nine? A Yes sir
Q Viola four; next one? A Lewis
Q He was three? A Yes sir
Q Next one Cora? A Yes sir
Q She is about three months old is she? A Yes sir
Q How you say your father, George Bryant has been enrolled?
A Yes sir
Q Does his testimony cover your case, do you know? A I don't know.
Q Are these children all Beck? A Yes sir, they is all Beck's
Q Were you ever married before you married Nelson Beck? A Once.
Q What was that husband's name? A Martin.
Q Was he living? A No sir, dead.
Q Did you have any children by him? A Only one, girl, she is married.
Q Well, did you draw what is known as Kern-Clifton money? A No sir, I drew at the Wallace.
Q The Wallace is all you drew? A Yes sir.
Q Have you got witnesses? A Yes sir.
Q Who are your witnesses? A Millie Frye and Captain Hicks.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Mina Beck -----2.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 103, #2187, Minnie Beck, Cooweescoowee District.
Page 103, #2191, Fanny Beck, Cooweescoowee District.
Page 103, #2192, James Beck, Cooweescoowee District.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants children found thereon as follows:

Page 181, #4439, Fanny Beck, Cooweescoowee District
Page 181, #4440, James Beck, Cooweescoowee District.
Page 181, #4441, Hattie Beck, Cooweescoowee District.
Page 181, #4442, George Beck, Cooweescoowee District.
Page 181, #4443, Florence Beck, Cooweescoowee District.
Page 181, #4444, Nelson Beck, Cooweescoowee District.
Page 181, #4445, Damps Beck, Cooweescoowee District.

- Q Is your husband's name on the roll of 1880? A I don't know, sir, it ought to be.
- Q How did it happen that your children got on the Kern-Clifton roll and you didn't? A I don't know.
- Q You knew your name wasn't on the roll of 1880 didn't you?
A I guess it ain't.
- Q Were you a slave? A Yes sir
- Q To whom did you belong? A Belonged to Bryant, my father, Joel Bryant.
- Q Is he a Cherokee citizen? A Yes sir
- Q Where were you born? A On Grand River.
- Q Cherokee Nation? A Yes sir.
- Q Well, did you go out of the Cherokee Nation during the war?
A I suppose I did, but if I did I don't recollect.
- Q Where do you recollect being the first time you can recollect?
A Grand River.
- Q In the Cherokee Nation? A Yes sir.
- Q You don't know any thing about being taken out? A No sir, don't know any thing about being taken out and coming back either.

MILLIE FRYE, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Millie Frye.
- Q How old are you? A 64
- Q What is your postoffice? A Vinita
- Q You are recognized Freedman are you? A Yes sir
- Q On the roll of 1880? A Yes sir
- Q Do you know Mina Beck, the applicant here? A ~~Yes~~ Yes sir
- Q How long have you known her? A Ever since she was a baby
- Q What was her father's name? A George Bryant.
- Q What was her mother's name? A Millie
- Q Were George and Millie slaves? A Yes sir, George belonged to Joel Bryant
- Q Were they taken out of the Cherokee Nation during the war?
A Yes sir they went to Douglas county, Kansas.
- Q When did they return? A They returned; I don't know, when I saw George it was along in '67
- Q Was Mina with him? A Yes sir
- Q Mina was with him at that time? A Yes sir.
- Q And that is the first time you saw them? A Yes sir, it was in April, '67.
- Q Where was that? A Near Delaware District.
- Q They didn't come back with you? A No sir.
- Q Are you an Aunt of this applicant? A Her mother was my Aunt.

FILMORE HICKS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q Your name is Filmore Hicks? A Yes sir
Q What is your age? A 52
Q Do you know Mina Beck, the applicant? A Yes sir
Q Did you know her father? A Yes sir, his name was George Bryant
Q What was her mother? A Millie Bryant
Q Were they slaves? A Yes sir, I think they were, I didn't know them before the war.
Q Do you know where they went to during the war? A Only what they told me.
Q Well, when did George Bryant and this child return after the war?
A I saw them on Grand River.
Q What year? A It was in '67
Q What part of '67? A Right ~~after~~ first of the year, about February.
Q Well, have you known them ever since that time?
A Yes sir I have known them ever since
Q Is she married? A I haven't seen her very regular since myself
Q Do you know either she is married or not? A No sir
Q Then the first time you saw them was in January or February, 1867?
A Yes sir, that is my first recollection.
Q Did you know, which it was? A I think it was in February, though I would not be positive.

By MR. HASTINGS, Cherokee Representative.

- Q Where were they living? A They was living on the other side of the river.
Q On whose place? A They lived on the place that Aaron Martin built.
Q Aaron Martin had lived there the year before had he? A Yes sir
Q Well, was it on the east of west side of the river? A On the east side.
Q Now, what Cherokee lived nearest to them at that time?
(No response)
Q How far from George Clark? A About four or five miles.
Q Well, who else was living around there? A Millie Frye.
Q How far was Millie Frye living? A About five or six miles
Q What old place is that nearest they come to? A My father's old place.

MINA BECK, the applicant, recalled: By COM'R NEEDLES:

- Q Are these children all living at this time? A Yes sir
Q When were you married to Nelson Beck? A Never was married to him.
Q Never have been married to Nelson Beck? A No sir
Q I thought you said Nelson Beck was your husband? A Of course he is my husband, but we wasn't married.
Q How long have you been living with him? A 22 years.
Q Been living together 22 or 23 years as husband and wife? A Yes sir

MILLIE FRYE, recalled:

- Q Do you know Nelson Beck? A No sir, never knew him until after she married him.
Q How long have Millie and Nelson been living together? A I don't know, I saw him at the Wallace Court and he told me that he had married this girl and that is all I know about it, they didn't live any where near us.
Q And you don't know whether they have been living together all this time as husband and wife or not? A No sir.

MARY BECK, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Beck
Q How old are you Mary? A I don't know my age.
Q Well, about how old? A I don't know
A Over ten aren't you? A Yes sir, I never stated my age, I would

Mina Beck, et al. -----4.

not give any guess at it.

- Q Well, do you know Mina Beck? A Yes sir
Q What relation are you to her? A Might be called sisters-in-laws
I guess we married sisters
Q Do you know Nelson Beck? A Yes sir
Q How long have you know Nelson and Mina? A I have been knowing
about 22 or 23 years.
Q Do you know whether they have been married or not? A Yes sir
Q Do you know they have been living together? A Yes sir
Q They are considered as man and wife? A Yes sir

AMY BEAN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Amy Bean.
Q What is your age, Amy? A 45.
Q Postoffice? A Vinita
Q Do you know Mina Beck the applicant? A Yes sir
Q How long have you known her? A I have known her now for about 23
or 4 years
Q Did you know her father? A Yes sir
Q What was his name? A George Bryant
Q What was her mother? A Millie
Q Were they slaves? A Yes sir
Q Who did they belong to? A I don't know
Q Do you know whether they went ~~of~~ out of the Cherokee Nation during
the war or not? A Yes sir.
Q Where did they go? A Went to Kansas.
Q Do you know when they returned? A No sir
Q When was the first time you saw Millie Beck after the war?
A I saw her in '67
Q What month? A That was along in the Summer, I don't know
exactly what time.
Q Where was that? A Down on Grand River.
Q Well, did you see her father at that time? A No sir, I saw her
mother.
Q Her mother isn't living now? A No sir, she is dead.
Q Have you known her since that? A Yes sir
Q Do you know her as Mina Beck? do you know her husband, Nelson.
A Yes sir, but I am not much acquainted with him.
Q Do you understand that they have been living together as man and
wife? A Yes sir, ever since I heard of them.
Q You think the first time you saw her was in the summer of '67?
A Yes sir

COM'R NEEDLES: Mina Beck applies for the enrollment of herself and ten children. She cannot be identified upon the census roll of 1896 or authenticated roll of 1880; she is identified upon the Wallace roll. She avers that she has lived with Nelson Beck for the last 22 or 23 years, but that she was never married to him. They have been living together continuously since that time as man and wife and she presents satisfactory proof to that effect. She avers that she was a slave of Joel Bryant; her father was George Bryant and her mother Millie. The testimony shows in the case that she was taken to the State of Kansas during the war but didn't return until the year 1867. She names of her children for whom she applies are all identified upon the Kern-Clifton roll, except her three younger, Viola, Lewis and Com; their names are not identified upon any of the rolls and it will be necessary for her to make satisfactory proof as to their birth.

Consequently Mina Beck and her ten children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be notified by mail of the final

Mina Beck, et al -----5.

decision of the Commission.

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

(Signed) J. O. Rosson

Subscribed and sworn to before me this 10th day of July, 1901.

(Signed) T. B. Needles.
Commissioner.

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that same is a true and complete copy of the original transcript herein.

(Signed) Lucy M. Bowman

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

(Signed) Wm. T. Martin, Jr.

This is to certify that I am the officer having the 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 lands of said tribes and that the above and foregoing is a true and correct copy of a copy of the testimony taken June 22, 1901, in the matter of the application of Mina Beck and her ten children, therein mentioned, as Cherokee Freedmen.

Muskogee, Oklahoma,

10

~~1178~~

66.10.1999

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MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 22 1901
 Post Office Bartlesville D.T.
 District Co

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____
 Parents:
 Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife *Mina Beck* Age *41*
 Owner's name *Jed Bryant* Citizenship *Cherokee*
 Year *Wallace 103* No. *2187* District *Co*
 Parents:
 Father *Jed Bryant - living* Citizenship *Cher Freedman*
 Mother *Millie V. - dead* Citizenship *" "*

Names of Children:

2	3.	<i>Fannie Beck</i>	Year <i>Wallace 103</i>	Page <i>219</i>	No. <i>2191</i>	Dist. <i>Co</i>	<i>20</i>
3	4.	<i>James</i>	Year <i>"</i>	Page <i>103</i>	No. <i>2192</i>	Dist. <i>"</i>	<i>19</i>
4	5.	<i>Hattie</i>	Year <i>Kle</i>	Page <i>81</i>	No. <i>4441</i>	Dist. <i>"</i>	<i>17</i>
5	6.	<i>George</i>	Year <i>"</i>	Page <i>81</i>	No. <i>4442</i>	Dist. <i>"</i>	<i>15</i>
6	7.	<i>Florence</i>	Year <i>"</i>	Page <i>81</i>	No. <i>4443</i>	Dist. <i>"</i>	<i>12</i>
7	8.	<i>Nelson</i>	Year <i>"</i>	Page <i>81</i>	No. <i>4444</i>	Dist. <i>"</i>	<i>10</i>
8	9.	<i>Dempsey</i>	Year <i>"</i>	Page <i>81</i>	No. <i>4445</i>	Dist. <i>"</i>	<i>9</i>
9	10.	<i>Gold</i>	Year _____	Page _____	No. _____	Dist. _____	<i>4</i>
10	11.	<i>Lewis</i>	Year _____	Page _____	No. _____	Dist. _____	<i>3</i>
11	12.	<i>Cora</i>	Year _____	Page _____	No. _____	Dist. _____	<i>3</i>

Application made by *M. V.*

Stenographer *J. T. Ross*

- 1 On Wallace roll as *Minnie Beck*
- 2 " *Kle* roll P. *181* #*4489* - *Co*
- 3 " " " " " *181* *4440* - "
- 7 " " " " " as *Nelson Beck*
- 8 " " " " " *Dempsey* "
- 9, 10, and 11, Birth affidavits required

To be filed in F. D. 819
Freedman Straight 1100.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 23, 1902.

In the matter of the application of Nelson Beck for the enrollment
of himself as a Cherokee Freedman.

SUPPLEMENTAL TO F. 1100.

APPEARANCES:

Lewis T. Brown for applicant.

W. W. Hastings for Cherokee Nation.

MELSON BECK, being first duly sworn, testified as follows:

MR. BROWN: State your name? A Nelson Beck.

Q What is your age, Mr. Beck? A Well, I just been guessing at it,
guess about 48 somewhere.

Q What is your post office address? A Bartlesville.

Q You have already applied for enrollment? A Yes sir.

Q What is your wife's name Mr. Beck? A Mina Beck.

Q Has she already been listed for enrollment? A Yes sir.

Q Have you any children by your wife, Mina Beck? A Yes sir.

Q How many? A About ten I believe.

Q Now at the time your application was made did you apply for the
enrollment of all your children? A No sir, she did; she enrolled
first, and they enrolled them with her I guess.

Q Your wife then made application for the enrollment of these
children? A Yes sir.

Q Do you elect now to have these children enrolled with you?

A Yes sir, I would like to have them enrolled with me.

MR. HASTINGS:

Was this woman ever married before she married you? A Yes sir,
she was married before.

Q And had a child? A Yes sir.

Q Where was she married to her first husband? A Don't know; never
seen her first husband.

Q When did you first get acquainted with her? A In about twenty-
three or four years ago.

Q Where is her first husband? A Dead.

Q When did he die? A I don't know, he was dead when I got ac-
quainted with her she said.

Q She said he was dead; were you ever married before yourself?

A No sir.

Q This is your first wife? A Yes sir.

MR. BROWN: Now the child that she had by her first husband isn't
included in the ten children for whom she applied? A Why it enroll
ed for itself.

Q It was of age? A Yes sir.

Mr. Hastings: What was its name? A Charlotte Beck.

Q Well does she go by the name of Charlotte Beck now? A Yes
sir.

Q She's never married? A No sir, she was'nt then, but I guess she
is now; she is living with a man.

COMMISSION: The above testimony will be filed with and made
a part of the record in F.D. No 819.

Arthur G. Croninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the testimony and proceedings in the above case,
and that the foregoing is a true and complete transcript of his
stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of July 1902.

Arthur Croninger,
P. G. Reuter,
Notary Public.

(S E A L)

Ella Nielsen, being first duly sworn, states as stenographer to the Commission to the Five Civilized Tribes, that she made the foregoing copy and that the same is a full and correct copy of the original transcript.

Ella Nielsen

Subscribed and sworn to before me this 19th day of July 1902.

Philip Renter
Notary Public.

10819

IN RE
THE DEATH OF

George Berk

(a citizen of the

to herken Nation.

Approved Nov 7 1903

C. R. Brantford
Commissioner

Stamp

7

DEC 7 1903

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of George Beck (Here insert name of deceased) a citizen of the Cherokee Nation, who formerly resided at or near Bartlesville, Ind. Ter., and died on the 24th day of September 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, on oath state that I am years of age and a citizen, by of the Nation; that my post office address is Ind. Ter.; that I am of (State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased) who was a citizen, by of the Nation; and that said (Here insert name of deceased) died on the day of

WITNESSES TO 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, Northon District.

I, Nelson Beck, on oath state that I am forty eight years of age, and a citizen, by adoption of the Cherokee Nation; that my post office address is Bartlesville, Ind. Ter.; that I was personally acquainted with George Beck, who was a citizen by adoption of the Cherokee Nation; and that said George Beck died on the 24th day of Sept 1901

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 3rd day of December 1903

Notary Public.

App Commission Expires Aug. 18th 1916

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

In the matter of the application for the enrollment of
Mina Beck, et al., as Cherokee Freedmen, consolidating the applica-
tions of

Mina Beck, et al.,.....	Cherokee Freedmen	D 819
Charlotte Beck,.....	"	D 855
Ida Beck,.....	"	D 906
Nelson Beck,.....	"	#1100

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

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Mina Beck for herself and her minor children, Fanny, James, Hattie, George, Florence, Nelson, Jr., Dempsey, Viola, Lewis and Cora Beck; by Charlotte Beck for herself; by Ida Beck for herself; and by Nelson Beck for himself.

The evidence shows that the applicants Mina Beck and Nelson Beck were the slaves of Cherokee citizens at the commencement of the rebellion; that Mina Beck left the Cherokee Nation during the rebellion and did not return thereto within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation; that Nelson Beck resided in said Nation continuously from 1863 to about 1872; that since 1872 he has also resided in said Nation continuously, except during the time he was confined in the penitentiary in Kansas, but this, being an involuntary change of residence, is not considered as affecting his domicile in the Cherokee Nation. The evidence further shows that the applicant Charlotte Beck is a daughter of Mina Beck, born since 1866, and has no right to enrollment except such as she may have derived through the said Mina Beck. All the applicants herein except Nelson, Mina and Charlotte Beck are the children of said Nelson Beck, born since 1866, and claim right to enrollment through him. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

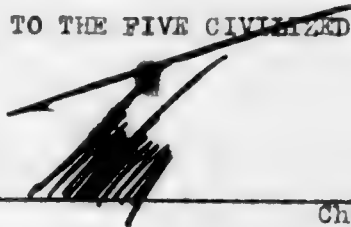
It further appears that the applicant George Beck died on September 24, 1901.

Section 25 of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides that,

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

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mina Beck and Charlotte Beck as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495); and that the said Fanny Beck, James Beck, Hattie Beck, Florence Beck, Nelson Beck, Jr., Dempsey Beck, Viola Beck, Lewis Beck, Cora Beck, Ida Beck and Nelson Beck should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the said act of Congress, and it is so ordered. It is further ordered that the application for the enrollment of George Beck as a Cherokee freedman be, and the same is, hereby dismissed, under the provisions of law above quoted.

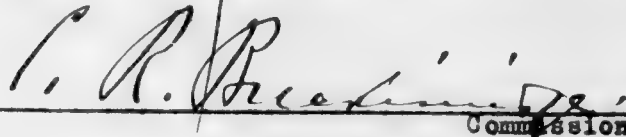
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I. T.,
this JUL 21 1904

Commissioner.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 CHEROKEE LAND OFFICE.
 Tahlequah, I. T., February 15, 1905.

In the matter of the application for the enrollment of James, Hattie, Florence, Nelson, Jr., Dempsey, Viola, Lewis and Cora Beck, as Cherokee Freedmen. No. 1399.

HATTIE ADAIR, being duly sworn and examined by the Commission, testified as follows:--

- Q What is your name? A Hattie Adair.
 Q How old are you? A 22.
 Q What's your post-office? A Hudson.
 Q Are you a Cherokee Freedman? A Yes sir.
 Q What's the name of your father? A Nelson Beck.
 Q Mother? A Mina.
 Q Are you married? A Yes sir.
 Q Have you married since you were listed for enrollment?
 A Yes sir.
 Q What's the name of your husband? A Peter Adair.
 Q Is he a claimant for enrollment as a Cherokee Freedman?
 A Yes sir.
 Q When were you married? A I don't know exactly. In January.
 Q What year? A Mr. Adair will tell you; I don't know.
 Q You have been married how many years? A One year.
 Q A year ago last January? A Yes sir.
 Q You and he live together now? A Yes sir.

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 15th day of February, 1905.

Joe Chambers

J. P. Green
 Notary Public.

DEPARTMENT OF THE INTERIOR.
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
 CHEROKEE LAND OFFICE.
 October 17, 1906.

Cherokee Freedman----1399.

In the matter of the enrollment of Florence Beck as a freedman citizen of the Cherokee Nation.

Nathan Meigs, 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 Nathan Meigs.
 Q What is your age?
 A 24.
 Q What is your postoffice address?
 A Centralia, Indian Territory.
 Q Are you a claimant to enrollment as a freedman citizen of the Cherokee Nation?
 A Yes, sir.
 Q What is your father's name?
 A Simon Meigs.
 Q What is your mother's name?
 A Fannie Meigs.
 Q Are they living?
 A No, sir, both dead.
 Q Are you married?
 A Yes, sir.
 Q What was your wife's name before you were married?
 A Florence Beck.
 Q Is she a freedman citizen of the Cherokee Nation?
 A Yes, sir.
 Q Where did she live before you were married? Ans. Bartlesville.
 Q How old is she? Ans. 17 years old.
 Q What was her father's name? Ans. Nelson Beck.
 Q What was her mother's name? Ans. Mina Beck.
 Q When were you married?
 A Last October, 1905.
 Q What day of the month?
 A I don't remember just what day it was.
 Q You were married all right were you? Ans. Yes, sir.
 Q Benn married about a year? Ans. Yes, sir.
 Q Are you living together now? Ans. Yes, sir.

Witness Excused.

I, George A. Lowell, being first duly sworn state that as stenographer to the Commissioner to the Five Civilized Tribes I recorded the testimony in the ~~now~~ entitled proceeding and that the foregoing is a true and correct transcript of my stenographic notes thereof.

Subscribed and sworn to before me this 17
 day of October, 1906.

B. P. Rasmus
 Notary Public.

George A. Lowell

Cherokee Freedmen 1399.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, OKLAHOMA, SEPTEMBER 9, 1908.

In the matter of the application for the enrollment of Fanny Beck, et al., as Cherokee Freedmen.

Fanny Beck, being sworn by Notary Public S. P. Morrison, and examined testified as follows:

BY J.O.ROSSON ON BEHALF OF COMMISSIONER:

- Q What is your name? A Fanny Hollinshead.
Q How old are you? A 27.
Q What is your postoffice? A Bartlesville,
Q Are you married? A Yes sir.
Q What is the name of your husband? A John Hollinshead.
Q When were you married? A In the fall of 1906.
Q Is your husband a citizen of the Cherokee Nation? A No sir.
Q Are you and he living together now? A Yes sir.

WITNESS EXCUSED.

---ooOoo---

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 correct transcript of her stenographic notes thereof.

Louise Smith

Subscribed and sworn to before me this September 10, 1908.

*My commission expires
March 21-1912*

S. P. Morrison
Notary Public.

DEPARTMENT
RECEIVED
FEB 14 1902
ENCL. TO
NO. **752**
Supt. Livingstone Mission

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON,..... February 7,....., 1920

I, E. B. Meritt,..... Assistant, Commissioner
of Indian Affairs, do hereby certify that the paper..... hereto attached
is a true copy..... of the original..... as the same
appear s..... on..... file..... in this Office.

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


E. B. Meritt
Assistant Commissioner.



2

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
FEB 14 1920
ENCL. TO NO. 752
SUPT. FIVE CIVILIZED TRIBES

WASHINGTON, February 7, 1920

I, E. B. Meritt, Assistant, Commissioner
of Indian Affairs, do hereby certify that the paper hereto attached
is a true copy of the original as the same
appears on file in this Office.

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

E. B. Meritt
Assistant Commissioner



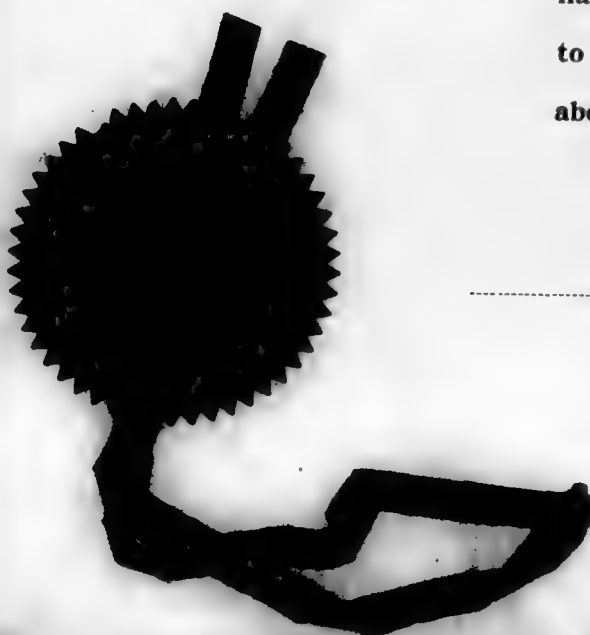


DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, February 7, 1920

I, E. B. Meritt, - - Assistant, Commissioner
of Indian Affairs, do hereby certify that the paper..... hereto attached
is a - - true copy..... of the original..... as the same
appears on file..... in this Office.

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


E. B. Meritt
Assistant Commissioner



(C O P Y)

Refer in reply to DEPARTMENT OF THE INTERIOR,
the following:

Land.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 7, 1904.

55756-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 12, 1904, transmitting the record of the applications for enrollment as Cherokee freedmen by Mina Beck for herself and her minor children, Fanny, Dempsey, Hattie, George, Florence, Nelson Jr., James, Viola, Lewis and Cora Beck; by Charlotte Beck for herself; by Ida Beck for herself; and by Nelson Beck for himself.

July 21, 1904 the Commission denied the applications for enrollment of Mina Beck and Charlotte Beck, dismissed that of George Beck by reason of his death and decided favorably upon the applications of Fanny, James, Lewis, Cora, Ida and Nelson Beck.

The record shows that George Beck died September 24, 1901, that Mina Beck was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and that she did not return

to the Nation on or before February 11, 1867. It is also shown that Charlotte Beck is a daughter of Mina Beck born since 1866 and has no right to enrollment except such as she may derive.

It is further shown that Nelson Beck was the slave of a Cherokee citizen at the beginning of the war and remained in the Cherokee Nation up to the date of the record, excepting a term confined in the Kansas penitentiary; that all of the other applicants are the children of Nelson Beck.

In view of the record, the approval of the Commission's decision is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

MCM/LM

(C O P Y)

W.C.F.
FHE

DEPARTMENT OF THE INTERIOR,

D. C. 38223-1904.
I. T. D. 7192-1904.
7993- "

WASHINGTON. September 22, 1904.

Y.P.

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

Gentlemen:

August 12, 1904, you transmitted the record in the matter of the Cherokee freedman case of Mina Beck, et al., including your decision of July 21, 1904, rejecting the application for the enrollment of Mina Beck and Charlotte Beck, dismissing the application for the enrollment of George Beck by reason of his death on September 24, 1901, and granting the application for the enrollment of Fanny Beck, James Beck, Hattie Beck, Florence Beck, Nelson Beck, Jr., Dampsey Beck, Viola Beck, Lewis Beck, Cora Beck, Ida Beck and Nelson Beck.

Reporting September 7, 1904, the Commissioner of Indian affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is affirmed, except in so far as it affects the applicant Mina Beck. You rejected the applicant Mina Beck for the reason that she did not return to the Cherokee Nation prior to February 11, 1867. It appears that said Mina Beck is the wife of Nelson Beck, and it is desired that you adjudicate whatever rights

she may have as a Cherokee freedman by intermarriage.

Subsequent to the preparation of this decision the Department received a communication from Messrs. Zevly & Givens, dated September 15, 1904, transmitting a motion for rehearing as to the application of Mina Beak. Said motion does not show service upon the attorneys for the Cherokee Nation, and is therefore inclosed herewith, to be returned to said attorneys.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.

2 inclosures.

No motion enclosed

R.H.

PY.

Cherokee Freedman
No. 1399.

Muskogee, Indian Territory, January 9, 1905.

Peter Adair,

Hudson, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 2, 1905, relative to the enrollment of Hattie Beck as a Cherokee Freedman.

In reply you are advised that the name of Hattie Beck appears upon a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite No. 3819.

You are further advised that the said Hattie Beck will be permitted to appear before the Cherokee Land Office and make an allotment selection when her ticket of admission is reached in the regular order.

Respectfully,

(SIGN)

Tame Dixby.
Chairman.

COPY.

Cherokee Freedmen

No. 1399.

Muskogee, Indian Territory, January 18, 1905.

James Beck,

Dewey, Indian Territory.

Dear Sir:

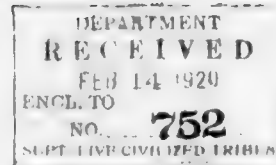
The Commission is in receipt of your letter of January 16, asking to be advised as to the status of the application for your enrollment as a Cherokee freedman.

In reply you are advised that the name James Beck, appears upon a partial roll of Cherokee freedmen, approved by the Secretary of the Interior on November 16, 1904, opposite number 3 18. You are further advised that you will be permitted to make an allotment selection when your ticket of admission is reached in the regular order.

Respectfully,

F. C. Fixby.
Chairman.

Land-P.T.
9318-20
J E D



FEB 10 1920

Birth Affidavit relating
to certain Cherokee freedmen.

J

Mr. Gabe H. Parker,
Supt., Five Civilized Tribes,

My dear Mr. Parker:

Reference is made herein to the communication of January 30, 1920 from the Acting Superintendent for the Five Civilized Tribes, who requests for the official use of your office, certified copies of the birth affidavits relating to Viola, Lewis and Cora Beck, Cherokee freedmen Roll Nos. 3823, 3824, and 3825 respectively, it appearing that the originals of said birth affidavits were filed in this Office in connection with the Cherokee freedman case of Mina Beck, et al.

In compliance with said request certified photographic copies of said birth affidavits are transmitted herewith.

Very truly yours,

[Signature]
Assistant Commissioner.

2-6-CMS

Cher Fr 1400

Trans. from Cher Fr D1061

Cher Fr 1400

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 24, 1901.

In the matter of the application of Samuel McCurtain for enrollment as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Lewis T. Brown, agent for the applicant;
Mr. W.W. Hastings, attorney for the Cherokee Nation.

- Q What is your name? A Samuel McCurtain.
Q What is your age, Mr. McCurtain? A I don't know sir, about 40 I guess.
Q What is your post-office address? A Muskogee.
Q You live in Muskogee? A Yes sir, live four miles north-west of Muskogee.
Q In the Creek Nation? A Yes sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Desire to enroll anybody but yourself? A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Your name on the rolls of the Cherokee Nation? A It is on the Clifton roll.
Q Not on the roll of 1890? A No sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 170 #4183, Sam McCurtain, Cooweescoowee District.
1880 authenticated roll, 1896 census roll and Wallace roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

BY MR. BROWN:

- Q Where were you living when you first remember? A Right here, Fort Gibson.
Q Cherokee Nation? A Yes sir.
Q You know about how long you continued to live around here? A Well I come in the fall of '65, and stayed here until the small-pox broke out.
Q What is your mother's name? A Katie Vann.
Q She ever known by the name of Katie Kernel? A Yes sir, she went over there and got married to Kernel.
Q Have you any sisters and brothers? A Yes sir.
Q State their names? A Her name Mary Vann, since she married she went by the name Carson. I have got a brother named John Henry Henderson.
Q You know whether your sister and mother and brother have already been listed for enrollment? A They are listed on the roll of Cliftons.
Q You claim your citizenship through your mother? A Yes sir.
BY MR. HASTINGS:
Q What was your father's name? A Jack McCurtain.
Q Choctaw? A Yes sir.
Q Where were you born? A Mev
Q Yes. A I guess I was born down there.
Q In the Choctaw Nation? A Yes sir.
Q When you left here when the small-pox broke out, about how long after the war was that? A I couldn't tell you exact date, what year it was in.
Q Two or three years? A Yes sir, I suppose so.
Q Have you ever lived in the Cherokee Nation since? A Yes sir, I am often in there all the time.
Q Where do you live now? A In Muskogee.
Q How long have you been living there? A Ever since.
Q Ever since when? A Ever since I left here, and I work a good deal

Samuel McCurtain 2

in the Cherokee Nation for Mr. Blackstone.

Q But your home is in Muskogee? A Yes sir.

BY MR. BROWN:

Q You say you work for Mr. Nip Blackstone? A Yes sir.

Q His citizenship is what? A He is a Cherokee.

Q How long has he been living there? A A good while.

BY MR. HASTINGS:

Q You married? A No sir.

Q Never been married? A No sir.

BY MR. BROWN:

Q You know Doctor Fite? A Yes sir.

Q What is his citizenship? A Cherokee.

Q He lives in Muskogee? A Yes sir.

Q You know Rube Evans? A -

BY COM'R NEEDLES: Oh, my dear sir, that's all bosh; how does he know his citizenship? The contention that he lives in the Creek Nation don't amount to anything.

BY COM'R NEEDLES:

Q You ever vote in the Creek Nation? A No sir.

Q You voted in the Cherokee nation? A No sir.

Q Never voted at all? A No sir, every time we went to vote they said we lived in the Creek Nation, and because we wouldn't vote the way they wanted us to-

Q As I understand, the Cherokee authorities have always refused to let you vote? A Yes sir.

Q Do you ~~own~~ own any property in the Cherokee Nation? A Yes sir.

Q What have you got? A Some horses.

Q Got no land? A No sir.

BY MR. HASTINGS:

Q Ever vote in the city elections over at Muskogee? A Never did in my life.

Q Never would let you vote in there? A No sir.

Q Ever try it? A No sir.

Com'r Needles: Attorney for the applicant asks that the testimony taken in Katie Kernel's case, D 1047, be made a part of the testimony in the case at bar, and same is ordered.

By Commissioner Needles: Samuel McCurtain applies for the enrollment of himself as a Cherokee Freedman. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but is identified upon the Kern-Clifton roll. He avers that he is entitled to Cherokee citizenship through his mother, Katie Kernel. AS to his residence reference is made to the testimony. Said Samuel McCurtain will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and he will be notified by mail of the decision of the Commission, at his post-office address, when said decision is arrived at.

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.

Subscribed and sworn to before me this September 25th, 1901.

M. D. Green
T. R. Beckwith

Commissioner.

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

FILED
SEP 24 1901

A handwritten signature in dark ink, appearing to be 'A. S. ...', written over the printed name 'A. S. ...'.

A. S. ...

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 24, 1901.

Post Office Muskogee, T.S.

District Creek Nation.

1. Name Samuel M^c Lortain Age 40

Owner's name Citizenship

Year D. C. Page 170 No. 4183 District Levo.

Parents:

Father Jack M^c Lortain Citizenship Choctaw

Mother Marie Lortain Citizenship Choctaw

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No.

Stenographer M. D. Green

No. 1 on D. C. Roll as Sam M^c Lortain

& Ref # 1047

Represented by agent Louis T. Brown, Vinita, T.S.

File with C. F. D- 1061, Samuel McCurtain.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 18, 1901.

In the matter of the application of Katie Kernal for the enrollment of herself as a Cherokee Freedman; being sworn and examined by the Commission she testified as follows:

- Q What is your name? A Katie Vann.
Q How old are you? A I don't know sir.
Q About how old? A I don't know my age, at all.
Q About how old were you when the war came up? A Well I can't tell you, I can't tell you anything about it.
BY MR. HASTINGS, Cherokee Representative:
Q Well were you grown and had children when the war came up? A Yes sir, I had one child.
Q About how old was he? A It is a ~~girl~~ that girl back there, I don't know her age at all.
BY COMMISSIONER:
Well, put her down about 70 years old.
Q What is your post-office? A Muskogee.
Q You apply for enrollment as a Cherokee Freedman? A Yes sir.
Q What district are you living in in the Cherokee Nation? A Well I had to go out off where I could get work.
Q You are living at Muskogee? A Yes sir, about four miles from Muskogee.
Q In the Creek Nation or in the Cherokee Nation? A In the Creek Nation.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Do you want to enroll anybody besides yourself? A I want my children to be enrolled.
Q How old are your children; are they over 21 years of age? A I can't tell you.
Q Are they all married? A One of them has been married.
Q What was the name of your father? A My father was named John Vann.
Q What was your mother's name? A My mother was named Harriet Vann.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Old Joe Vann.
Q Was he a Cherokee Indian? A Yes sir, first one I belonged to was his father, old Ave Vann, Peggy's Vann's husband.
Q Did you leave the Cherokee Nation when the war came up? A They had me hired out, I was way in the Choctaw Nation.
Q When did they send you to the Choctaw Nation? A I couldn't tell you.
Q How long was it before the war? A It wasn't very long before the war came out.
Q How long did you stay there? A I stayed there until peace was made.
Q Where did you come to then? A I come here to the Cherokee Nation
Q What part of the Cherokee Nation? A Why here to Gibson.
Q How long did you remain here? A I remained here until I couldn't get no work to do and then I went into the Creek Nation.
Q About how long after you came into the Cherokee Nation was it until you went into the Creek Nation? A Soldiers was here when I first come here, and I used to wash here for the soldiers and draw rations.
Q That was after the war? A Yes sir.
Q You know about how long after the war? A Well I washed here until the soldiers went off.
Q You don't know when that was? A No sir, I don't know exactly

Katie Kernel e/2

when it was.

Q Have you ever been recognized as a Freedman? A Yes sir.

Q Is your name on the rolls? A I guess it is.

Q Upon what rolls does your name appear, do you know? A I can't tell you; my father and mother is there too. I don't know anything about it.

Q How long have you been living in the Creek Nation? A I have been living in the Creek Nation ever since after peace; I had a husband in the Creek Nation.

Q How long after peace? A Oh well, I can't tell you exactly how long.

Q Was it a year or two years? A When me and him got together.

Q Yes. A Yes sir, after they commenced working on this railroad.

Q Then you went to the Creek Nation? A Yea sir.

Q Have you been living there ever since that time? A Yes sir.

Q You don't live in the Cherokee Nation at all? A I don't live in the Cherokee Nation, but then the Creek Nation is not my home.

Q Did you ever have any other name besides Katie Vann? A Nothing else that I knows of.

Q What was your first husband's name? A My first husband, well I didn't have no first husband.

Q What was the second one named? A He was named Red Kernel, he went by his master's name.

Q Was he a Creek? A Yes sir.

Q What was the third one's name? A He was Indian.

Q Did you ever go by the name of Kernel? A I ~~never~~ goes by my husband's name.

Q What is his name? A I told you there's one named Kernel.

Q Is that your name now? A They call me Katie Kernel.

Q Your right name then is Katie Kernel? A I guess so.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

1890 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q A nty, did you ever draw any money from the Cherokee Nation?

A Yes sir, I did.

Q When? A The last payment.

Q What name did you go by at that time? A The last one I put my name down Katie Vann.

Q Were you ever married to Sam Vann? A No sir.

Q What are the names of some of your children? A Henry, Sam and Jaudie.

Q Henry's name was Henry Henderson? A No sir, it was a sweetheart of mine I reckon; you ask me for the truth, I am going to tell you.

Q Did you have a son named Henry Henderson? A Yes sir.

Q Did you ever have any daughter named Katie Vann? A No sir.

Q You are sure you went by the name of Katie Vann when you drew the Kern-clifton money? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's name identified on same as follows:
page 169, #4180, Katie Vann, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q Now suntu, you said you came here in 1805 from the Choctaw Nation, or when peace was made? A Yes sir, I come here in '06.

Q How long did you remain here then before you went to the Creek Nation; did you stay as much as a year? A I guess over, I don't know.

Q Then you went to the Creek Nation? A Yes sir, - now Mister you must allow for me; I am no educated woman and I don't know no dates, no months and I don't know no dates of years.

Katie Kernel #3

- Q You have been living in the Creek Nation ever since? A Yes sir.
BY R.W.W. HASTINGS, Cherokee Representative:
- Q Now, aunty, where were you born? A I was born right here in Saline District. When I come to my senses I was with old Ave Vann, old Joe Vann's father.
- Q Did Ave Vann die? A Yes sir, he died.
- Q Did Joe Vann die? A Yes sir, he is dead.
- Q Where did he die? A He died in the Cherokee Nation I suppose.
- Q Before the war or after? A It was after the war I guess.
- Q Was he living when you left there? A Yes sir.
- Q Who were you working for when war come up? A When the war come up I was working in the Choctaw Nation.
- Q Who for? A I was working for man named Canada McCurtain.
- Q Near what town, what town was near there? A No town at all.
- Q Didn't you go to no place? A I didn't have no place to go, but right in the cotton field and work.
- Q How long had you been working for Canada McCurtain? A I don't know.
- Q As much as 20 years before the war? A Oh Lord, I don't know.
- Q Was it a long while or a short while? A It was a good while, I suppose.
- Q As much as 10 or 15 years? A I can't tell.
- Q You can't tell? A No sir, I do not know.
- Q Now you have got four children, have you aunts? A I aint got but three.
- Q Where was Henry born? A In the Choctaw Nation.
- Q Where was that girl born, Maud? A She was born there.
- Q Where was Sam born? A He was born there too.
- Q Which is the oldest? A Henry is the oldest.
- Q They were all born before the war? A It was along in to the war; when I brought them here they was nothing but little children, and they grewed up right here.
- Q How many of them were born before the war? A I don't know, I didn't have but two children.
- Q I thought you said you had three? A I didn't have but two I say when the war come up.
- Q What was McCurtain's wife's name, did you say Candy McCurtain, the man that you worked for? A He was named Canada McCurtain.
- Q What's his wife's name? A I don't know; had some kind of an Indian name, I can't tell it.
- Q Did he have any children? A They had one girl.
- Q What was her name? A Lavina. She is dead though now; all of them.
- Q Did they have any neighbors down there? A In the Choctaw Nation?
- Q Yes. A He had two brothers, as I knows of, they are dead.
- Q What was their names? A One was named William McCurtain.
- Q Do you know Green McCurtain? A Yes sir.
- Q How far did he live from there? A I reckon he lived about 4 miles from there.
- Q How long did you know him before the war? A They was nothing but children when I knowed them, and I never did go to see them much.
- Q You know what kin Green McCurtain was to your master down there, Canada McCurtain? A He was old Cornelius McCurtain's cousin I think.
- Q You can't recollect now aunty, about how many years you were down there? A No sir, I can't remember and another thing, I don't know.
- Q You know what McCurtain gave Joe Vann for you? A I don't know sir what he give.
- Q You were down there when you were freed? A Yes sir.
- Q You were there with McCurtain? A Yes sir.
- Q McCurtain was a citizen of the Choctaw Nation? A Yes sir, and he told me to come on back home to my Mass Joe; the man I was working for with was dead, and his wife told me to come on back.
- Q You stayed there until you were freed? A Yes sir.
- Q Did you make a crop down there after the war? A Who, me?

Katie Kernel #4

Q Yes. A No sir, I didn't never make none. didn't have time, I left from there in February.

Q That was February the next year after peace was made was it?

A I don't know sir.

Q Well, the war had quit had it? A Yes sir, the war had quit, and they was saying everybody had to come out from there.

Q And you left there the next February after the war had quit?

A No sir, I come right out just as quick as they notified me.

Q That was the February right after the war? A I reckon, I don't know; I left in February I know, it was cold.

Q Where did you come to? A Right here to Gibson.

Q Did you bring these children with you? A I brought them right here.

Q What children did you bring? A These three I have now.

Q What place did you live? A I lived down here at a place that Aunt Lucy Musgrove used to live, Rab's mother.

Q Was Hous. Rogers there? A Yes sir, him and his Manny and Rab and Craco.

Q Was John Schrimsher here? A I don't know, I don't know who you call that.

Q How long did you stay here? A I stayed here a good while, I stayed and worked about here until I couldn't do nothing and got nothing to do and I had to go somewhere and do something for my children.

Q And you went over to the Creek Agency? A Yes sir.

Q And taken your children with you? A Yes sir.

Q And have been living there ever since? A Yes sir.

Q Now to the best of your judgment about how long did you stay here? A I can't tell nothing at all about that, I used to wash here in thearrison for the soldiers with the white women, and they give me the fat pork and white beans and light bread.

Q Did you marry before you came back up here, did you have any man that came up with you? A No sir, I never had no man; I got this man in the Creek Nation where I was living.

Q You never had any children by him? A No sir.

JERRY ALBERTY, being sworn and examined by the Commissioner testified as follows:

Q What is your name? A Jerry Alberty.

Q How old are you, Mr. Alberty? A I am about 60 odd.

Q What is your post-office address? A Wagener.

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

Q Citizen by blood? A No sir.

Q Are you acquainted with the applicant, Katie Kernel? A Yes sir I know her.

Q When did you first learn to know her? A I knowed her before the war.

Q How long before the war? A Some two or three years.

Q Was she living in the Cherokee Nation at that time? A Yes sir, well not two or three years, it was, I don't know what, it must have been 4 or 5 years.

Q You knew her 4 or 5 years before the war? A Yes sir.

Q Was she living here at that time? A Yes sir.

Q How long did she remain here after you learned to know her?

A Alone just a little while after I got acquainted with her, she went to Texas.

Q Do you know how long she remained in Texas? A No sir.

Q Do you know when she came back to the Cherokee Nation? A No sir.

Q When did you first see her again after she went away from here, 3 or 4 years after the breaking of the war, when was the first time you saw her after that? A I don't know, it was a good long while.

Q As much as 5 or 7 years? A I guess it was.

Q Where did you see her then? A I saw her again it was at the old Agency where I first saw her, there was in the Creek Nation.

Katie Kernal #5

Q Was she living there then? A She was there, I don't know whether she had a home there.

Q You know how long she had been there? A No sir.

Q After she left the Cherokee Nation here three or four years before the war, do you know whether or not she ever came back to the Cherokee Nation to make her home there? A No sir I don't know.

MR. EASTBICK waives examination.

COMMISSION: Katie Kernal applies for the enrollment of herself as a Cherokee Freedman; 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 Kern-Clifton Pay Roll. She avers that prior to the breaking out of the war she was living in the Choctaw Nation, and that she returned here the year after peace was made, and it is presumed that it was in February, of 1866; she remained in the Cherokee Nation possibly one year, and then removed to the Creek Nation and has resided there ever since. For the further consideration of the Commission the said Katie Kernal will be listed for enrollment as a Cherokee Freedman upon what is known as a doubtful card. She will be notified in writing at her present post-office address of the decision of the Commission when rendered. The applicant desires to have the case held open until the Commission convenes at Vinita, Indian Territory, during the month of October, 1901, which will be done, the representatives of the Cherokee Nation present having agreed to same.

M. E. 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. E. Green

Subscribed and sworn to before me this September 23rd, 1901.

C. R. Beckwith

Commissioner.

File with C. F. D- 1061, Samuel McCurtain.

SUPPLEMENTAL, C.F. D-1047.

Department of the Interior,
Commission to the Five Civilized Tribes
Fort Gibson, I. T., Sept. 23, 1901.

In the matter of the application of Katie Kernal for enrollment
of a Cherokee Freedman.

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:

Lewis T. Brown, agent for the applicant;
W.W. Hastings, Representative of the Cherokee Nation.

RAB ROGERS, being sworn by Commissioner Needles, testified
as follows:

BY MR. BROWN:

- Q What is your name? A Rab Rogers.
- Q What is your age? A 66.
- Q What is your post-office address? A Lenapah.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Is your name upon the authenticated roll of 1880? A Yes sir.
- Q Do you know Katie Kernal? A Well I don't know her by that name,
I know her by Katie Vann; I heard her called Katie Kernal.
- Q Has she any children? A She had three children.
- Q State their names, please? A One was named Mollie, and then one
Sam McCurtain and Henry.
- Q When did you see Katie Kernal for the first time after the close
of the Civil War? A Here in Fort Gibson.
- Q When was that? A That I reckon must have been in '65; directly
after I was mustered out of the war.
- Q Where was she living and with whom? A Right there at my mother's.
- Q How long did she continue to live at Fort Gibson after '65? A I
guess she stayed right there at mother's about two or three years,
right there.
- BY MR. HASTINGS:
- Q Where did she go from there, Rab? A Now sir she went off, I
thought she went to Fort Smith, but then I heard them say she went
towards the Creek Nation.
- Q You just heard that to-day? A No, I have been hearing it way be-
fore to-day.
- Q She has been living in the Creek Nation ever since? A I don't
know sir, I reckon she might have been; I don't know nothing about
that, I just know where she were then and I seen her next time up
here.
- Q You knew her before the war? A Yes sir, I have see her before
the war.
- Q You knew her when Joe Vann sold her out to McCurtain in the
Choctaw Nation? A No sir, I knowed her before she went down there,
I didn't know she was down there until after she came back.
- Q Didn't you know Vann sold her to a man in the Choctaw Nation?
A No sir.
- Q Didn't you know she lived in the Choctaw Nation before the war?
A No, no more than I thought maybe she come back from a farm she
had down there.
- Q Where did you live before the war? A In Coingsnake and Flint and
on Verdigris.
- Q You never lived in Saline? A No sir.
- Q You ever around Joe Vann's up there in Saline? A Passed by there.
- Q This woman live around there when you come by? A I don't know.
- Q You see his darkies? A Yes sir.
- Q You didn't see her? A No sir, lots of them came back, Jennie
and all of them come back after the war, they had them down south.
- Q I mean before the war? A Well that was before the war they took
all the darkies down there and had them down there before the war.

Katie Kernal sup'1 2

- Q You didn't know she was sold to McCurtain? A No sir.
BY MR. BROWN:
- Q Joe Vann did take some slaves down south then? A Yes sir.
BY MR. HASTINGS:
- Q Where? A Down into Texas where his farm was.
BY MR. BROWN:
- Q He was a citizen of the Cherokee Nation? A Yes sir.
Q Cherokee by blood? A Yes sir.
BY MR. HASTINGS:
- Q Didn't Joe Vann have a daughter that married a white man in Texas?
A Yes sir, let me see, I say yes sir, just that away; he had a daughter down there.
- Q And these slaves you have reference to coming back belonged to his daughter down there? A Yes sir.
BY MR. BROWN:
- Q You know whether they belonged to his daughter or to Joe himself?
A They used to have them there and carried them down there, Cull Vann would come and take darkies down there and go and fetch them back home.
BY MR. HASTINGS:
- Q What ones did he ever take? A Dick and Neal and Sam and Mattie.
- Q Was this woman, Katie, ever taken down there into Texas? A I don't know sir, just then men-folks what I know come back; I don't know she has ever been in Texas, but I know all I know is when she come back here; I couldn't tell you where she come from; she had these three children when she come back.
- Q What were these children's names? A Girl they called Mollie, she was the oldest one, and then two little boys, I didn't know which one was the oldest.
- Q About how old were they, about three or four or five years old?
A Yes sir, they must have been about three or four years old.
- Q When you first saw them after the war? A Yes sir...
BY MR. BROWN:
- Q That was in '65? A Yes sir.
- Q You said you continued to see them here in Fort Gibson two or three years afterwards? A Yes sir, they stayed right there at mother's.

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 September 27th, 1901.

C. R. Beckwith

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 8 1901



U. S. MAIL

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

ALLISON I. AYLFSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. A. T. Oct 21 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Samuel Mc Courtain for enrollment as
Freedmen of the Cherokee Nation.

No. F. D. 1061

Louis T. Brown Agent
Agent for applicants

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T. October 15, 1901.

SUBCOMMISSIONER TESTIMONY in the matter of the application of Daniel
Thompson et al, C. F. D. #606.

Interrogation:

* James S. Bawenport for the Cherokee Nation
Kellotte & Smith for the ~~the~~ applicant.

- T. J. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-
- (By Bawenport)
- Q What is your name? A T. J. Thompson.
- Q Where do you live? A 3 miles south of Vinita.
- Q What is your age? A 54.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.
- Q Did you know him before the war? A Yes sir.
- Q Do you know where he went during the war? A I think he went north to Kansas.
- Q Where did your family go during the war? A To Red River.
- Q Choctaw Nation? A Chickasaw Nation.
- Q When did you return to this country? A In the fall of '66, in October.
- Q Did this applicant go with your family? A He never was with us during the war.
- Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.
- Q How far from where they had originally lived? A Same place.
- Q Was the applicant there when you returned? A No sir.
- Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
- Q With reference to the time the railroad was here when was it? A The Party was here I think.
- Q About what year was it? A As well as I remember it was in '71 or '72.
- Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
- Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
- Q Where was he living at that time? A On Big Creek, he told me.
- Q Did he say when that he had been living on Grand river at the old place? A No sir.
- Q Yes and always lived on the old place since your return? A Yes sir.
- Q Same place you lived on prior to the breaking out of the war? A Yes sir.
- Q Had the applicant been there after the war -- to your house? A Not that I know of.
- Q Did you see him here in Vinita for the first time after the war? A Yes sir.
- Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.
- (By Smith)
- Q What was your father's name? A Johnson Thompson.
- Q Is he a Cherokee? A Yes sir.
- Q By blood? A Yes sir.
- Q A recognized citizen of the Cherokee Nation? A Yes sir.
- Q Did he own Daniel Thompson before the war? A Yes sir.
- Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
- Q What time did you get back here after the war? A October, '66.
- Q You came to what place? A Our old place.
- Q How far from where Vinita is now? A 12 & 15 miles.
- Q How old were you then? A 13 years old.

- Q Just boys? A Yes sir.
- Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.
- Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
- Q All you know is that the first time you saw him was in '71? A Yes sir.
- Q You don't know how long he had then been in the Cherokee Nation? A No sir.
- Q You don't know where he was during the war? A No sir.
- (By Davenport)
- Q When were you at school? A In '67, in the fall.
- Q You was at home then from '66 to the fall of '67? A Yes sir.
- Q You never saw the applicant there then? A No sir.
- Q Never heard of him being there did you?
- MR. SMITH: I object to him stating what he might have heard.
- (In both of witness)
- Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.
- Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

- (By Davenport)
- Q What is your name? A David Stinger.
- Q Where do you live? A On Big Creek, Cherokee Nation.
- Q How old are you? A 60.
- Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.
- Q Do you know the applicant here, Daniel Thompson? A Yes sir.
- Q How long have you known him? A Since '73.
- Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
- Q What was he doing when you saw him? A Just commenced making a farm there.
- Q Did you have a conversation with him then? A Yes sir.
- Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.
- Q Did he have a family with him then? A Yes sir.
- Q What year was that? A I think in '73.
- Q What improvements had he made then? A Nothing, he was just in a wagon there.
- Q Did he say when he had gone to Kansas? A No, I don't know anything about that.
- Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.
- Q How many children did he have there? A Two.
- Q What were their names? A Sandy and Mandy.
- Q Were they both with him? A Yes sir.
- Q Did he afterwards make a place there? A Yes sir.
- Q Where has he been living since? A Right there all the time.
- Q What year was this you say he came there? A '73.
- (By Smith)
- Q You know that he has been living there continuously ever since '73 in the Cherokee Nation? A Yes sir.
- Q How long had you been there in '73? A I came there in '71.
- Q Where from? A Peoria, Illinois.
- Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '80? A No sir.

Q Or in '89? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by COM'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me. I think he came from Kansas there in the fall of '72, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q How many? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Jackson Thompson and that he was going to see him.

(By Smith)

Q What did you first come to the Cherokee Nation after the war? A In '64.

Q Where were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q Did you think it was in '62 that you were discharged? A I believe it was.

Q In what place? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q On Saturday last in the Josh Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '65 from

- Q I think I did, I think I said I didn't know ex-
- Q If you in that case come back and make a correction in your statement to the length of time that you had been here since you were discharged from the army? A Yes sir.
- Q When you come back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.
- Q Am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.
- Q When did the war close, what year? A I think it was in '61, wasn't it?
- Q When did it commence? A You are just a little ahead of me when it commenced, I don't recollect it.
- Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.
- Q What did they discharge you for the first time? A Three years service.
- Q Then you went back the second time? A Yes sir.
- Q How long did you stay then? A Two years.
- Q How long did that war last? A Five years, wasn't it?
- Q How long was it after you were discharged the last time before you came to the Cherokee Nation? A I think it was about three years, two and a half or three years.
- Q What year did you get here? A In the spring of '66.
- Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.
- Q Are you certain you were discharged from the army after the war was over? A Yes sir.
- Q Did you get here in '66? A Yes sir.
- Q Now how did you do that? I went from Louisville, Kentucky where I was discharged to Iowa, and from Iowa to Kansas and from Kansas here.
- Q Did you already know anything about this applicant do you? A Only that his passport shows that I had some trading with him in '72.
- Q How long had he been here before that? A No sir.
- Q How long after when he came ~~no sir~~? A No sir, except when he came to my place.
- Q When did the war begin? A No sir.
- Q When was it closed? A No sir.
- Q Did you get here before Daniel Thompson come to my place? A Yes sir.
- Q Where did you go after you were discharged? A Iowa.
- Q Where did you go then? A Kansas.
- Q Where did you stop in Kansas? A Neosho ~~falls~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.
- Q Did you have any trouble up at Chetopa? A No sir.
- Q Were you ever arrested in Kansas? A No sir.
- Q Do you remember a man named Gage in Chetopa? I don't remember, I am not acquainted with him.
- Q Didn't you have any trouble with him and get arrested? A No sir.
- Q Didn't he have you arrested? A I don't think so.
- Q Don't you know? A I know I wasn't arrested there.
- Q Have you ever been arrested at all? A Yes sir.
- Q Where? A In the Cherokee Nation.
- Q What for? A Cattle stealing.
- Q Where was it? A It was taken to Fort Smith and went to the court there and they didn't find any bill against me.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in C. F. D. cases D-623 and D-693 and their subreferences.

=====

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

Chas. von Weise

Subscribed and sworn to before me this 17th of October, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mollette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

BY Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====
(COPY)

State of Kansas: ss.
County of Linn :

I, J. A. Cady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(SEAL) (Signed) J. A. Cady
County Clerk of Linn County, Kansas.

=====

BY Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings; and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 9th of November, 1901.

Commissioner.

To be filed in F. D-1061.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W. W. Hastings and J. S. Davenport.

Lewis T. Brown: The applicant offers in evidence the testimony of Polly Archer taken by Lewis T. Brown, attorney for the applicant, and James S. Davenport representing the Cherokee Nation, on the 30th day of May, 1902, at her home, by agreement.

Commission: The same will be filed and made a part of the record.

This deposition and the proceedings above will be made a part of the record in the following cases:

Mary Carson, D-1060; Samuel McCurtain, D-1061;
Henry Henderson, D-1048; and in the case at bar,
being that of Katie Kernel, No. D-1047.

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.

Edw. P. Rothberger

Subscribed and sworn to before me this 19th day of June, 1902.

Priscilla Jones

Notary Public.

To be filed in F. D-1061.

In the matter of the application of Katie Hernel for the enrollment of herself as a Cherokee Freedmen.

Deposition of Mrs. Polly Archer taken by ~~Louis T. Brown~~, agreement between the Attorneys for the Cherokee Nation and Louis T. Brown, Agent for the applicant, it being also agreed that said Louis T. Brown should serve as a Notary Public in taking said deposition.

Jas. S. Davenport
Atty for Cherokee N.
Louis T. Brown
Agent for the Applicant.

Mrs. Polly Archer being first duly sworn by Louis T. Brown, a Notary Public in and for the Northern District, Indian Territory, testified as follows:

1- State your age, name & residence?

Mary F. Archer, sometimes called Polly Archer, age 77 years, Pryor Creek, I. T. I am a recognized Cherokee citizen. My father's name was Joseph Vann and my mother was named Katie Vann, and they were both recognized citizens of the Cherokee Nation. My father owned a negro woman by the name of Catherine or Katie. At the beginning of the war she was in Texas with Mrs. Clarinda Summers who was my sister. My father never sold her to any one and at the time the emancipation Proclamation was issued she was the property of my father. I suppose Mrs. Summers was a citizen of the State of Texas. My father never sold any of his slaves. I have never seen this colored woman since the war.

Cross Examination by Mr. Davenport.

My sister Mrs. Summers had taken a number of my father's slaves to Texas several years before the war. When Mrs. Summers left the Cherokee Nation for Texas, she was then a recognized citizen of the Cherokee Nation. My sister Mrs. Summers made her home in Texas from the time she moved there before the war until 1883. Soon after her return, she died and her son Joe Summers was readmitted by the Tribal Authorities. The applicant whom I knew as Katie Vann was in the State of Texas, living with my sister in Texas when the Civil war came up. I dont know if she ever returned to the Cherokee Nation. There were several of them stopped in the Creek, Choctaw and Chickasaw Nations. I have never seen the applicant since she went to Texas before the war. My father never had applicant hired to McCurtain or any one else in the Choctaw Nation. She was taken direct to Texas from the Cherokee Nation, and since the war I have heard of her living in the Choctaw and Creek Nations.

Redirect examination by Louis T. Brown.

These slaves were taken to Texas to work upon Mrs. Summers farm. My father receive no compensation for their labor there. I do not know of my own personal knowledge where the applicant has lived since the close of the war.

Recross Exam.

I dont think she ever returned to the Cherokee Nation.

Redir.

It is possible she could have returned to the Cherokee Nation after the close of the war and lived, without my knowledge. I was living in the town of Fort Gibson in 1864, but have not lived there since. I have been back and forth through the town since 1864.

M. F. Archer.

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

C. I. Rothberger

Subscribed and sworn to before me this 23rd day of July, 1902.

Arrose C. Jones

Notary Public.

[Handwritten Signature]

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

In the matter of the application for the enrollment of
Katie Kernel et al., as Cherokee freedmen, consolidating the
applications of:

Katie Kernel	Cherokee Freedmen	D-1047
Henry Henderson	"	D-1048
Mary Carson	"	D-1060
Samuel McCurtain	"	D-1061

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Katie Kernel for herself; by Henry Henderson for himself; by Mary Carson for herself, and by Samuel McCurtain for himself.

The evidence shows that Katie Kernel is the mother of the other applicants in this case and that she was the slave of a Cherokee citizen at the commencement of the rebellion. It is further shown that during said rebellion she and her three children, applicants herein, were living outside the Cherokee Nation, but returned to said nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs Cherokee Nation et al., for the return of freedmen.

The evidence further shows that since their return to the Cherokee Nation they have lived continuously within the boundaries of the Five Civilized Tribes.

It is, therefore, the opinion of this Commission that Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain

should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 5 1904

1715

Handwritten signature

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-1061.

Muskogee, Indian Territory, October 17, 1903.

Samuel McCurtain,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required as to whether you were born before or after the commencement of the war of the rebellion, and as to your residence in the Cherokee Nation.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1047, et al

Muskogee, Indian Territory, June 8, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Katie Kernel, et al., granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McGurtain as Cherokee freedmen.

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

Respectfully,

Encl. V-26.

Chairman.

Cherokee Freedman
D-1061.

Muskogee, Indian Territory, June 30, 1904.

D. M. Wisdom,
Attorney for Samuel McCurtain,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the
Commission's decision, dated March 5, 1904, granting
among others, the application for enrollment of Samuel
McCurtain, as Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. L-30.
Register.

Cherokee freedman
D-1061.

Muskogee, Indian Territory, June 30, 1904.

Samuel McCurtain,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the
Commission's decision, dated March 5, 1904, granting
among others your application for enrollment as a
Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. 1-28.

Register.

Cherokee Freedmen

(3)

D-1061.

Muskogee, Indian Territory, August 17, 1904.

Samuel McCurtain,

Muskogee, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded yourself and your attorney, D. M. Wisdom, Muskogee, Indian Territory, a copy of the Commission's decision, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman. Your said attorney has heretofore been furnished with a copy of the record of proceedings.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Katie Kernel, Muskogee, Indian Territory, by the attorney for the Nation.

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

Respectfully,

W. B. Needles

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-1061.

Muskogee, Indian Territory, August 17, 1904.

D. W. Wisdom,

Attorney for Samuel McCurtain,
Muskogee, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded to you a copy of the Commission's decision, dated March 5, 1904, granting, among others, the application of Samuel McCurtain for enrollment as a Cherokee freedman. 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 Katie Kernel, Muskogee, Indian Territory, 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,

Commissioner in Charge.

Cherokee Freedmen

D-1047-1048-1060-

1065.

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Katie Kernel, et al., including the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain as Cherokee freedmen.

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

Respectfully,

Encl. S-37.

S. J. ...
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

3 Enclos.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply to
the following:

WASHINGTON, Sept. 17, 1904.

Land.

57361-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Kernel for herself; by Henry Henderson for himself; by Mary Carson for herself; and by Samuel McCurtain for himself.

The record shows that Katie Kernel is the mother of the other applicants and that she was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she and her three children, applicants herein, were living outside of the Cherokee Nation, and that they all returned to the Nation on or before February 11, 1867.

The protest against the decision of the Commission has been carefully considered.

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

Very respectfully,

A. C. TONNER,

Acting Commissioner.

M.M. M.
L.

(C O P Y)

465

FHE

D. C. 38219-1904 DEPARTMENT OF THE INTERIOR,

I. T. D. 7588-1904 WASHINGTON, September 24, 1904.

Y.P.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Katie Kernel, et al, including your decision of March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain.

Reporting in the matter September 17, 1904, the Acting Commission of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

Cherokee freedmen
D--1061

Muskogee, Indian Territory, October 25, 1904.

Samuel McCurtain,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

Samuel McCurtain
Chairman.

OPY.

Cherokee Freedmen
D-1061

Muskogee, Indian Territory, October 25, 1904.

D. M. Wisdom,

Attorney for Samuel McCurtain,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, the application for the enrollment of Samuel McCurtain, as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

Jane Bixby
Chairman.

Cherokee Freedmen

D-1047 et al

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings, & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

SIGNED

Tamm Bixler
Chairman.

Cher Fr 1401

Trans. from Cher Fr D1060

Cher Fr 1401

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 24, 1901.

In the matter of the application of Mary Carson for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Lewis T. Brown, for the applicant, as agent.
Mr. W. W. Hastings, for Cherokee Nation, as attorney.

- Q What is your name? A Mary Carson.
Q How old are you, Mary? A I can't tell you exactly how old I am, I think I am about 41.
Q What is your post-office? A I can't tell nothing about post-office, because I can't read.
Q You never get any letters or anything? A I gets no letters, and I can't read.
Q What is the nearest post-office to you? A Muskogee.
Q Do you live in Muskogee? A Yes sir.
Q That would likely be your post-office? A Yes sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Sam McCurtain.
Q How old is he? A I can't tell you.
Q He will have to enroll himself. Have you got any children under age? A I have got 3 boys, they are all of age; I have got one boy 17 years old; my children have got their rights in the Creek Nation.
Q How does that happen? A I don't know, but they have got their rights there and their land.
Q Why didn't you get a right there? A I don't know about that what is the reason I didn't get my rights there. They said I would have to get my rights here in the Cherokee Nation, as I drew on this side.
Q Is your husband living? A Yes sir.
Q What is his name? A Bill Carson.
Q Is he a Creek? A No sir, he is a state man.
Q And you are a Cherokee? A Yes sir.
Q And your children are getting rights in the Creek Nation? A Yes sir.
Q Who is the father of those children? A He is dead, his name was Billy Perryman.
Q He was a Creek? A Yes sir.
Q Then you don't apply for anybody but yourself? A Any my mother.
Q Well they will have to come for themselves. Is your name on any of the rolls of the Cherokee Nation? A I guess so.
Q Did you draw what is known as the Strip money? A I drew the Clifton.

BY MR. BROWN:

- Q What is your mother's name? A Katie Red.
Q By what name does she go now? A She always go Katie Vann before she was married, but she now goes by Katie Red.
Q She ever go by any other name? A She was married to Redmond Kernel, and now she goes by the name of Katie Red.
Q Her name must be Katie Kernel, then, she married Redmond Kernel? A Yes sir.
Q Where were you living when you first remember? A When I first remember I was down here at Webbers Falls. I was a little girl about that high when I come here in Gibson in '66; I was a little girl, and that's all I can remember where I was living, here at Gibson.
Q How long did you continue to live around Fort Gibson here at that time? A We lived here at that time about three years, and then we went over into the Creek nation.
Q Where were you living 3 years ago? A In the Cherokee Nation.
Q What place? A I was living at Lillianah a while and then in

Mary Carson 2

Q What place? A I was living at Lilliepah awhile and then in Vinita a while and then in Claremore and then over there from there I moved away, after small-pox was in Claremore, they said it was small-pox there, and we tried to get a house to live in and they wouldn't let us have any house, and my husband went to Kansas City and we lived there in Kansas City about 4 months, and then we come back here the first of June. And I left part of my things with L. D. Daniel's wife, Patsy Daniels.

Q Where was that at? A That was in Claremore.

BY MR. HASTINGS:

Q You were born in the Choctaw Nation? A I can't tell where I was born at.

Q That's what your mother told you you were born, wasn't it? A Well I guess that's where I was born at, in the Choctaw nation.

Q You are 41 years old? A Yes sir.

Q You were born before the war? A Before the war, no I don't think I was born before the war, because time peace was declared I was a little girl, just commenced walking about; don't know nothing about no master, and don't know nothing about no war at all.

Q You have lived over here at the Creek Agency about all of your life? A Yes sir, after times got so hard here, couldn't make nothing, we went over there.

Q You was a little girl? A Yes sir.

Q You were married over there? A Yes sir.

Q How many times have you been married? A I have been married twice.

Q How many children did you have of your first husband? A Why I aint got only three.

Q And that's all you ever had? A I have got two children dead and three children living.

Q All them three children are enrolled? A Yes sir.

Q They are by your Creek husband? A Yes sir.

Q Where did you marry your last husband? A In the Creek Nation.

Q When did you marry him? A Me and him has been together about six years, I don't know what year it was we was married in; I can't keep count; I can't write nor do nothing.

Q What year did you move to the Cherokee Nation from the Creek Nation? A I lived in the Creek Nation before this railroad ~~was~~ ever come through here, that's all the time I can remember; I can't read or write.

Q Don't get excited; you said three or four; you moved from the Creek Nation to the Cherokee Nation; now I want to know when that was? A I moved into the Cherokee Nation after the payment, I don't know the date of the month or the year.

Q You don't know the year from another? A No sir, I can't read nor write; I will tell you the truth.

Q Then you don't know how many years ago you was living there?

A It has been three or four years since I moved from the Creek Nation to the Cherokee Nation.

Q Where did you move to? A To Lilliepah, and stayed there the whole winter and summer through, and then moved to Coffeyville and stayed there three weeks and then I come to Lilliepah and stayed there the whole winter through until March, and then I moved to Vinita.

Q How long did you stay in Vinita? A I stayed there 2 years, and then went to Claremore.

Q How long did you stay in Claremore? A I stayed there 2 months, and from there I went to Kansas City.

Q When did you come back from Kansas City? A I come back from Kansas City the first of June.

Q This 1st June? A Yes sir.

Q Where are you living now? A I am living in Muskogee.

Q You were born in the Choctaw Nation? A I guess that's where I did born, I don't know where I born at.

BY COM'R NEEDLES:

Mary Carson 3

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 170 #4182, Mary Parson, Cooweescoowee District, age not given.

1880 authenticated roll; 1896 census roll and Wallace roll of the citizens of the Cherokee Nation examined and the applicant identified on none of said rolls.

Q How did they happen to get it on there as Parson? A That's my husband.

Q But how did they get it on the roll as Parson? A I don't know, they put it on there, you will have to leave it to them what done the writing; I told them it was Mary Carson, they put it down Mary Parson.

Q How did you find that out? A Because I heard my name called out.

Q You got the money all the same didn't you? A Yes sir, I got the money when they give it to me; I didn't take it, they give it to me.

Com'r Needles: Applicant asks, by attorney, that the testimony taken in the matter of the enrollment of Katie Kernel, on D card 1047, be made a part of the record in the case at bar; and same is ordered.

Com'r Needles: Mary Carson applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She is only identified upon the Kern-Clifton roll, as Mary Parson, but duly identified as the applicant. By reason of the fact that her name is not upon the authenticated roll of 1880, and the further facts set forth in the testimony, Mary Carson will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting the further consideration of the Commission. She will be notified at her post-office address of the action of the Commission when a conclusion is arrived at.

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.

Subscribed and sworn to before me this September 25th, 1901. *M.D. Green*

T. A. Needles

Commissioner.

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

FILED
SEP 24 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept. 24, 1901.
Post Office Muskogee, Okla.
District

1. Name
Owner's name
Year Page No. District
Age
Citizenship

Parents:
Father
Mother
Citizenship
Citizenship

1. 2. Name of wife Mary Parson
Owners name
Year H. C. Page 170 No. 4182 District
Age 41
Citizenship
le eo

Parents:
Father
Mother
Citizenship
Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Joseph

Application made by No. 1. Stenographer M. D. Green

No. 1. on H. C. Roll as Mary Parson

X. Ref. D. 1047.

Agent Lewis T. Brown appears for the applicant

1060, Mary Carson.
File with G. S. D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 18, 1901.

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by the Commission, she testified as follows:

- Q What is your name? A Katie Vann.
Q How old are you? A I don't know sir.
Q About how old? A I don't know my age, at all.
Q About how old were you when the war came up? A Well I can't tell you, I can't tell you anything about it.
BY MR. EASTMAN, Cherokee Representative:
Q Well were you grown and had children when the war came up? A Yes sir, I had one child.
Q About how old was he? A It is a girl that girl back there, I don't know her age at all.
BY COMMISSIONER:
Well, put her down about 70 years old.
Q What is your post-office? A Muskogee.
Q You apply for enrollment as a Cherokee Freedman? A Yes sir.
Q What district are you living in in the Cherokee Nation? A Well I had to go out off where I could get work.
Q You are living at Muskogee? A Yes sir, about four miles from Muskogee.
Q In the Creek Nation or in the Cherokee Nation? A In the Creek Nation.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Do you want to enroll anybody besides yourself? A I want my children to be enrolled.
Q How old are your children; are they over 21 years of age? A I can't tell you.
Q Are they all married? A One of them has been married.
Q What was the name of your father? A My father was named John Vann.
Q What was your mother's name? A My mother was named Harriet Vann.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Old Joe Vann.
Q Was he a Cherokee Indian? A Yes sir, first one I belonged to was his father, old Ave Vann, Peggy's Vann's husband.
Q Did you leave the Cherokee Nation when the war came up? A They had me hired out, I was way in the Choctaw Nation.
Q When did they send you to the Choctaw Nation? A I couldn't tell you.
Q How long was it before the war? A It wasn't very long before the war came out.
Q How long did you stay there? A I stayed there until peace was made.
Q Where did you come to then? A I come here to the Cherokee Nation.
Q What part of the Cherokee Nation? A Way here to Gibson.
Q How long did you remain here? A I remained here until I couldn't get no work to do, and then I went into the Creek Nation.
Q About how long after you came into the Cherokee Nation was it until you went into the Creek Nation? A Soldiers was here when I first come here, and I used to wash here for the soldiers and draw rations.
Q That was after the war? A Yes sir.
Q You know about how long after the war? A Well I washed here until the soldiers went off.
Q You don't know when that was? A No sir, I don't know exactly

Katie Kernel e#2

when it was.

Q Have you ever been recognized as a Freedman? A Yes sir.

Q Is your name on the rolls? A I guess it is.

Q Upon what rolls does your name appear, do you know? A I can't tell you; my father and mother is there too. I don't know anything about it.

Q How long have you been living in the Creek Nation? A I have been living in the Creek Nation ever since after peace; I had a husband in the Creek Nation.

Q How long after peace? A Oh well, I can't tell you exactly how long.

Q Was it a year or two years? A When me and him got together.

Q Yes. A Yes sir, after they commenced working on this railroad.

Q Then you went to the Creek Nation? A Yes sir.

Q Have you been living there ever since that time? A Yes sir.

Q You don't live in the Cherokee Nation at all? A I don't live in the Cherokee Nation, but then the Creek Nation is not my home.

Q Did you ever have any other name besides Katie Vann? A Nothing else that I knows of.

Q What was your first husband's name? A My first husband, well I didn't have no first husband.

Q What was the second one named? A He was named Red Kernel, he went by his master's name.

Q Was he a Creek? A Yes sir.

Q What was the third one's name? A He was Indian.

Q Did you ever go by the name of Kernel? A I ~~guess~~ goes by my husband's name.

Q What is his name? A I told you there's one named Kernel.

Q Is that your name now? A They call me Katie Kernel.

Q Your right name then is Katie Kernel? A I guess so.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q Aunty, did you ever draw any money from the Cherokee Nation? A Yes sir, I did.

Q When? A The last payment.

Q What name did you go by at that time? A The last one I put my name been Katie Vann.

Q Were you ever married to Sam Vann? A No sir.

Q What are the names of some of your children? A Henry, Sam and Paulie.

Q Henry's name was Henry Henderson? A No sir, it was a sweetheart of mine I reckon; you ask me for the truth, I am going to tell you.

Q Did you have a son named Henry Henderson? A Yes sir.

Q Did you ever have any daughter named Katie Vann? A No sir.

Q You are sure you went by the name of Katie Vann when you drew the Kern-clifton money? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's name identified on same as follows: page 169, #4180, Katie Vann, Coowescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q Now aunty, you said you came here in 1865 from the Choctaw Nation, or when peace was made? A Yes sir, I come here in '66.

Q How long did you remain here then before you went to the Creek Nation; did you stay as much as a year? A I guess over, I don't know.

Q Then you went to the Creek Nation? A Yes sir, - now Mister you must allow for me; I am no educated woman and I don't know no dates, no months and I don't know no dates of years.

Katie Kernel #3

- Q You have been living in the Creek Nation ever since? A Yes sir.
- BY R.W.J. FOSTERS, Cherokee Representative:
- Q Now, aunty, where were you born? A I was born right here in Saline District. When I come to my senses I was with old Ave Vann, old Joe Vann's father.
- Q Did Ave Vann die? A Yes sir, he died.
- Q Did Joe Vann die? A Yes sir, he is dead.
- Q Where did he die? A He died in the Cherokee Nation I suppose.
- Q Before the war or after? A It was after the war I guess.
- Q Was he living when you left there? A Yes sir.
- Q Who were you working for when war come up? A When the war come up I was working in the Choctaw Nation.
- Q Who for? A I was working for man named Canada McCurtain.
- Q Near what town, what town was near there? A No town at all.
- Q Didn't you go to no place? A I didn't have no place to go, but right in the cotton field and work.
- Q How long had you been working for Canada McCurtain? A I don't know.
- Q As much as 20 years before the war? A Oh Lord, I don't know.
- Q Was it a long while or a short while? A It was a good while, I suppose.
- Q As much as 10 or 15 years? A I can't tell.
- Q You can't tell? A No sir, I do not know.
- Q Now you have got four children, have you aunty? A I aint got but three.
- Q Where was Henry born? A In the Choctaw Nation.
- Q Where was that girl born, Laud? A She was born there.
- Q Where was Sam born? A He was born there too.
- Q Which is the oldest? A Henry is the oldest.
- Q They were all born before the war? A It was along in to the war; when I brought them here they was nothing but little children, and they growed up right here.
- Q How many of them were born before the war? A I don't know, I didn't have but two children.
- Q I thought you said you had three? A I didn't have but two I say when the war come up.
- Q What was McCurtain's wife's name, did you say Candy McCurtain, the man that you worked for? A He was named Canada McCurtain.
- Q What's his wife's name? A I don't know; had some kind of an Indian name, I can't tell it.
- Q Did he have any children? A They had one girl.
- Q What was her name? A Luvina. She is dead though now; all of them.
- Q Did they have any neighbors down there? A In the Choctaw Nation?
- Q Yes. A He had two brothers, as I knows of, they are dead.
- Q What was their names? A One was named William McCurtain.
- Q Do you know Green McCurtain? A Yes sir.
- Q How far did he live from there? A I reckon he lived about 4 miles from there.
- Q How long did you know him before the war? A They was nothing but children when I knowed them, and I never did go to see them much.
- Q You know what kin Green McCurtain was to your master down there, Canada McCurtain? A He was old Cornelius McCurtain's cousin I think.
- Q You can't recollect now aunty, about how many years you were down there? A No sir, I can't remember and another thing, I don't know.
- Q You know what McCurtain gave Joe Vann for you? A I don't know sir what he give.
- Q You were down there when you were freed? A Yes sir.
- Q You were there with McCurtain? A Yes sir.
- Q McCurtain was a citizen of the Choctaw Nation? A Yes sir, and he told me to come on back here to my Mass Joe; the man I was working for was dead, and his wife told me to come on back.
- Q You stayed there until you were freed? A Yes sir.
- Q Did you make a crop down there after the war? A Who, me?

Katie Kernal #4

Q Yes. A No sir, I didn't never make none. didn't have time, I left from there in February.

Q That was February the next year after peace was made was it?

A I don't know sir.

Q Well, the war had quit had it? A Yes sir, the war had quit, and they was saying everybody had to come out from there.

Q And you left there the next February after the war had quit?

A No sir, I come right out just as quick as they notified me.

Q That was the February right after the war? A I reckon, I don't know; I left in February I know, it was cold.

Q Where did you come to? A Right here to Gibson.

Q Did you bring these children with you? A I brought them right here.

Q What children did you bring? A These three I have now.

Q What place did you live? A I lived down here at a place that Aunt Lucy Musgrove used to live, Rob's mother.

Q Was Heus. Rogers there? A Yes sir, him and his Mummy and Rab and Greco.

Q Was John Schrimsher here? A I don't know, I don't know who you call that.

Q How long did you stay here? A I stayed here a good while, I stayed and worked about here until I couldn't do nothing and got nothing to do and I had to go somewhere and do something for my children.

Q And you went over to the Creek Agency? A Yes sir.

Q And taken your children with you? A Yes sir.

Q And have been living there ever since? A Yes sir.

Q Now to the best of your judgment about how long did you stay here?

A I can't tell nothing at all about that, I used to wash here in the garrison for the soldiers with the white women, and they give me the fat pork and white beans and light bread.

Q Did you marry before you came back up here, did you have any man that came up with you? A No sir, I never had no man; I got this man in the Creek Nation where I was living.

Q You never had any children by him? A No sir.

JERRY ALBERTY, being sworn and examined by the Commission testified as follows:

Q What is your name? A Jerry Alberty.

Q How old are you, Mr. Alberty? A I am about 60 odd.

Q What is your post-office address? A Wagoner.

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

Q Citizen by blood? A No sir.

Q Are you acquainted with the applicant, Katie Kernal? A Yes sir I know her.

Q When did you first learn to know her? A I knowed her before the war.

Q How long before the war? A Some two or three years.

Q Was she living in the Cherokee Nation at that time? A Yes sir, well not two or three years, it was, I don't know what, it must have been 4 or 5 years.

Q You knew her 4 or 5 years before the war? A Yes sir.

Q Was she living here at that time? A Yes sir.

Q How long did she remain here after you learned to know her?

A Alone just a little while after I got acquainted with her, she went to Texas.

Q Do you know how long she remained in Texas? A No sir.

Q Do you know when she came back to the Cherokee Nation? A No sir.

Q When did you first see her again after she went away from here, 3 or 4 years after the breaking of the war, when was the first time you saw her after that? A I don't know, it was a good long while.

Q As much as 6 or 7 years? A I guess it was.

Q Where did you see her then? A I saw her again, it was at the old Agency where I first saw her, there was in the Creek Nation.

Katie Kernel #5

Q Was she living there then? A She was there, I don't know whether she had a home there.

Q You know how long she had been there? A No sir.

Q After she left the Cherokee Nation here three or four years before the war, do you know whether or not she ever came back to the Cherokee Nation to make her home there? A No sir I don't know.

MR. HASTINGS waives examination.

COMMISSION: Katie Kernel applies for the enrollment of herself as a Cherokee Freedman; 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 Kern-Clifton Pay Roll. She avers that prior to the breaking out of the war she was living in the Choctaw Nation, and that she returned here the year after peace was made, and it is presumed that it was in February, of 1866; she remained in the Cherokee Nation possibly one year, and then removed to the Creek Nation and has resided there ever since. For the further consideration of the Commission the said Katie Kernel will be listed for enrollment as a Cherokee Freedman upon what is known as a doubtful card. She will be notified in writing at her present post-office address of the decision of the Commission when rendered. The applicant desires to have the case held open until the Commission convenes at Vinita, Indian Territory, during the month of October, 1901, which will be done, the representatives of the Cherokee Nation present having agreed to same.

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 September 23rd, 1901.

F. A. Buck

Commissioner.

File with C. F. D-1060, Mary Carson.

SUPPLEMENTAL, C.F. D-1047.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 23, 1901.

In the matter of the application of Katie Kernal for enrollment
as a Cherokee Freedman.

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:

Lewis T. Brown, agent for the applicant;
W.W. Hastings, Representative of the Cherokee Nation.

RAB ROGERS, being sworn by Commissioner Needles, testified
as follows:

BY MR. BROWN:

- Q What is your name? A Rab Rogers.
- Q What is your age? A 66.
- Q What is your post-office address? A Lenapah
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Is your name upon the authenticated roll of 1880? A Yes sir.
- Q Do you know Katie Kernal? A Well I don't know her by that name,
I know her by Katie Vann; I heard her called Katie Kernal.
- Q Has she any children? A She had three children.
- Q State their names, please? A One was named Mollie, and then one
Sam McCurtain and Henry
- Q When did you see Katie Kernal for the first time after the close
of the Civil War? A Here in Fort Gibson.
- Q When was that? A That I reckon must have been in '65; directly
after I was mustered out of the war.
- Q Where was she living and with whom? A Right there at my mother's
- Q How long did she continue to live at Fort Gibson after '65? A I
guess she stayed right there at mother's about two or three years,
right there.
- BY MR. HASTINGS:
- Q Where did she go from there, Rab? A Now sir she went off, I
thought she went to Fort Smith, but then I heard them say she went
town in the Creek Nation.
- Q You just heard that to-day? A No, I have been hearing it way be-
fore to-day.
- Q She has been living in the Creek Nation ever since? A I don't
know sir, I reckon she might have been; I don't know nothing about
that, I just know where she were then and I see her next time up
here.
- Q You knew her before the war? A Yes sir, I have see her before
the war.
- Q You knew her when Joe Vann sold her out to McCurtain in the
Choctaw Nation? A No sir, I knowed her before she went down there,
I didn't know she was down there until after she came back.
- Q Didn't you know Vann sold her to a man in the Choctaw Nation?
A No sir.
- Q Didn't you know she lived in the Choctaw Nation before the war?
A No, no more than I thought maybe she come back from a farm she
had down there.
- Q Where did you live before the war? A In Spingsnake and Flint and
on Verdigris.
- Q You never lived in Saline? A No sir.
- Q You ever around Joe Vann's up there in Saline? A Passed by there
- Q This woman live around there when you come by? A I don't know.
- Q You see his darkies? A Yes sir.
- Q You didn't see her? A No sir, lots of them come back, Jennie
and all of them come back after the war, they had them down south.
- Q I mean before the war? A Well that was before the war they took
all the darkies down there and had them down there before the war.

Katie Kernel sup'1 2

Q You didn't know she was sold to McCurtain? A No sir.

BY MR. BROWN:

Q Joe Vann did take some slaves down south then? A Yes sir.

BY MR. HASTINGS:

Q Where? A Down into Texas where his farm was.

BY MR. BROWN:

Q He was a citizen of the Cherokee Nation? A Yes sir.

Q Cherokee by blood? A Yes sir.

BY MR. HASTINGS:

Q Didn't Joe Vann have a daughter that married a white man in Texas

A Yes sir, let me see, I say yes sir, just that away; he had a daughter down there.

Q And these slaves you have reference to coming back belonged to his daughter down there? A Yes sir.

BY MR. BROWN:

Q You know whether they belonged to his daughter or to Joe himself?

A They used to have them there and carried them down there, Cull Vann would come and take darkies down there and go and fetch them back home.

BY MR. HASTINGS:

Q What ones did he ever take? A Dick and Neal and Sam and Katie.

Q Was this woman, Katie, ever taken down there into Texas? A I don't know sir, just them men folks what I know come back; I don't know she has ever been in Texas, but I know all I know is when she come back here; I couldn't tell you where she come from; she had these three children when she come back.

Q What were these children's names? A Girl they called Mollie, she was the oldest one, and then two little boys, I didn't know which one was the oldest.

Q About how old were they, about three or four or five years old?

A Yes sir, they must have been about three or four years old.

Q When you first saw them after the war? A Yes sir.

BY MR. BROWN:

Q That was in '65? A Yes sir.

Q You said you continued to see them here in Fort Gibson two or three years afterwards? A Yes sir, they stayed right there at mother's.

W.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.

W.D. Green

Subscribed and sworn to before me this September 27th, 1901.

C. A. Beckwith

Commissioner.

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781060

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

FILED

OCT 8 1901



ACTING CHAIRMAN

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.

Wm. L. O. & 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Mary Carson for enrollment as
Freedmen of the Cherokee Nation.

No.

721060

Louis T. Brown Agt
Agent for applicant

File with Mary Carson C. F. D. 1060

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel
Thompson et al, C. F. D. #606.

Appearances:

James S. Davenport for the Cherokee Nation
Mallette & Smith for the ~~Chero~~ applicant.

- T. F. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation--
(By Davenport)
Q What is your name? A T. F. Thompson.
Q Where do you live? A 5 miles south of Vinita.
Q What is your age? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Choctaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '66, in October.
Q Did this applicant go with your family? A He never was with us during the war.
Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.
Q How far from where they had originally lived? A Same place.
Q Was the applicant there when you returned? A No sir.
Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
Q With reference to the time the railroad was here when was it? A The Katy was here I think.
Q And what time was it? A As well as I remember it was in '71 or '72.
Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
Q Where was he living at that time? A On Big Creek, he told me.
Q Did he say then that he had been living on Grand river at the old place? A No sir.
Q You had always lived on the old place since your return? A Yes sir.
Q Same place you lived on prior to the breaking out of the war? A Yes sir.
Q Had the applicant been there after the war -- to your house? A Not that I know of.
Q You saw him here in Vinita for the first time after the war? A Yes sir.
Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.
(By Smith)
Q What was your father's name? A Johnson Thompson.
Q Is he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q A recognized citizen of the Cherokee Nation? A Yes sir.
Q Did he own Daniel Thompson before the war? A Yes sir.
Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
Q What time did you get back here after the war? A October, '66.
Q You came to what place? A Our old place.
Q How far from where Vinita is now? A 12 or 15 miles.
Q How old were you then? A 13 years old.

- Q Just a boy? A Yes sir.
- Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sossions at Pea Ridge, Arkansas.
- Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
- Q All you know is that the first time you saw him was in '71? A Yes sir.
- Q You dont know how long he had then been in the Cherokee Nation? A No sir.
- Q You dont know where he was during the war? A No sir.
- (By Davenport)
- Q When were you at school? A In '67, in the fall.
- Q You was at home then from '66 to the fall of '67? A Yes sir.
- Q You never saw the applicant there then? A No sir.
- Q Never heard of him being there did you?
- BY MR. SMITH: I object to him stating what he might have heard.
- (By Smith of witness)
- Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.
- Q Before that time you don't know where he was? A No sir.
- DAVID STINGER, being first duly sworn by Com. T. B. Needles, testified as follows on the part of the Cherokee Nation:
- (By Davenport)
- Q What is your name? A David Stinger.
- Q Where do you live? A On Big Creek, Cherokee Nation.
- Q How old are you? A 60.
- Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.
- Q Do you know the applicant here, Daniel Thompson? A Yes sir.
- Q How long have you known him? A Since '73.
- Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
- Q What was he doing when you saw him? A Just commenced making a farm there.
- Q Did you have a conversation with him then? A Yes sir.
- Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home so he called it.
- Q Did he have a family with him then? A Yes sir.
- Q What year was that? A I think in '73.
- Q What improvements had he made then? A Nothing, he was just in a wagon there.
- Q Did he say when he had gone to Kansas? A No, I dont know anything about that.
- Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.
- Q How many children did he have there? A Two.
- Q What were their names? A Sandy and Mandy.
- Q Were they both with him? A Yes sir.
- Q Did he afterwards make a place there? A Yes sir.
- Q Where has he been living since? A Right there all the time.
- Q What year was this you say he came there? A '73.
- (By Smith)
- Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
- Q How long had you been there in '72? A I came there in '71.
- Q Where from? A Peoria, Illinois.
- Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Lavenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, deposes as follows on the part of the Cherokee Nation:

(By Lavenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64.

Q Did you ever go there then or in the spring of '65.

Q Did you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he had lived there ever since.

Q Did he own a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Daniel Thompson and that he was going to see him.

(By Lavenport)

Q When did Daniel Thompson come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q How long were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '62 where? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '65 from

Q "I don't think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your statement as to the length of time that you had been here since you came when you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.

Q I am not asking you when you were discharged, I am asking you what you said there? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I don't recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q Are you any certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now how did you do that? I went from Louisville, Kentucky where I was discharged to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers it shows that I had some trading with him in '72.

Q How long ago how long he had been here before that? A No sir.

Q You don't know when he came ~~no sir~~? A No sir, except when he came to my place.

(By the report)

Q I don't know when the war began? A No sir.

Q How when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Long Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho Falls River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chetopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Chetopa? I don't remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I don't think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? In the Cherokee Nation.

Q What for? A Cattle stealing.

(By the report)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

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

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-800, and also in C. F. D. cases D-627 and D-628 and their subreferences.

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

Chas von Weise
subscribed and sworn to before me this 17th of October, 1901.



Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE NEW CIVILIZED TRIBES.
MUSKOGEE, IND. TER., FEBRUARY 19th, 1901.

IN THE MATTER OF THE APPLICATION OF John and Jack Perryman
for enrollment as citizens of the Creek Nation.
John Perryman, being duly sworn, testified as follows:

- Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.
- Q What is your name? A John Perryman.
- Q What is your age? A 23 years old.
- Q Have you ever been recognized by the tribal authorities of the Creek nation as a citizen of the Creek Nation?
A yes, sir.
- Q Have you ever been enrolled by the Creek Tribal authorities of the Creek Nation as a citizen of the Creek Nation? A
A yes, sir.
- Q Does your name appear upon the tribal rolls of the Creek Nation? A It appeared on the roll, but I don't know whether it was the tribal rolls or not.
- Q Where do you live? A At Muskogee.
- Q How long have you lived here? A I have lived in town for about 15 years.
- Q Where did you live prior to that time? A ~~about~~ in the country about four miles.
- Q Where did you live before that? A I lived in the country part of the time.
- Q What is the name of your father? A His name is Billy Perryman.
- Q Is he living? A No, sir.
- Q Was he a citizen of the Creek Nation? A So far as I know, he was.
- Q Was his name on the rolls of the Creek nation?
A I really don't know.
- Q To what town in the Creek Nation did he belong?
A Arkansas I think.
- Q What is the name of your mother? A Her name was ----
is Mary Carson now.
- Q Is she living? A Yes, sir.
- Q Is her name on any of the rolls of the Creek nation?
A No, sir.
- Q Is she a citizen of any other tribe in the Indian Territory? A I don't know sir. I think she is a citizen of the Cherokee nation, I am not sure.
- Q How long have you lived in the Indian Territory?
A Was born and raised here.
- Q Have you been outside the Territory in the last three years?
A No, sir.
- Q Does your name appear on the 1890 authenticated roll of the Creek Nation? A I don't know, but it ought to.
- *
1890 Authenticated Roll of the Creek Nation examined and the name of John Perryman found thereon at Page 41.
- Q Does your name appear upon the 1895 authenticated Roll of the Creek nation? A yes, sir.
- 1895 Authenticated Roll of the Creek Nation examined and the name of John Perryman found thereon at number 1320, Arkansas Town.
- Q Are you married? A Yes, sir/
Q Is your wife a citizen of the Creek Nation? A No, sir.
Q Is she a United States citizen? A yes, sir.
Q Have you any children under eighteen years of age for whom you now desire to make application? A No, sir.

JOHN PERRYMAN #2.

Q Is there any additional statement that you desire to make with reference to your application?

You will be furnished at a later date with a copy of the decision of the Commission with reference to your application made by you at this time for enrollment as a citizen of the Creek Nation, which will be mailed to you at your Postoffice address at Muskogee, Indian Territory.

JACK PERRYMAN, being ~~sworn~~ duly sworn testified as follows:

- Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.
- Q What is your name? A Jack Perryman.
- Q What is your age? A 17.
- Q What is your Postoffice address? A Muskogee, Indian Territory.
- Q Have you ever been recognized by the Creek Tribal authorities as a citizen of the Creek Nation? A I guess so.
- Q Have you ever been enrolled by the Creek Tribal authorities as a citizen of the Creek Nation? A Yes, sir, I guess so.
- Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes, sir.
- Q Where do you live? A Live here at Muskogee.
- Q How long have you lived here? A All my life.
- Q Were you born here in Muskogee? A Out in the country about four miles, at Old Agency.
- Q What is the name of your father? A Billy Perryman.
- Q Is he living? A No, sir.
- Q Was his name on any of the rolls of the Creek Nation as a citizen? A I guess it was.
- Q Was his name on the town roll? A I am not sure, I guess it was though.
- Q What town did he belong to? A I don't know what town he belonged to.
- Q What town do you belong to? A Arkansas Town.
- Q Is your mother living? A Yes, sir.
- Q What is her name? A Her name is Mary Carson.
- Q Is she a citizen of the Creek Nation? A I do not know that she is.
- Q Is she a citizen of any Nation? A She is a citizen of the Cherokee Nation I guess.
- Q How long have you lived in the Indian Territory? A All my life.
- Q Have you been outside the Territory in the last three years? A Three years, no, sir.
- Q Does your name appear upon the 1890 authenticated roll of the Creek Nation? A yes, sir.

1890 Authenticated Roll of the Creek Nation examined and the name of Jack Perryman not found thereon.

- Q Is John the only brother you have? A No, sir, Wyley McIntosh.
- Q The only brothers you have? A No, sir my other brothers are dead now.
- Q What are their names? A I don't know.
- Q Don't know the names? A I think one is Sam Perryman and the other one died before I knew him.
- Q Is Sam older than you? A Yes, sir.
- Q When did he die? A I don't know; I was little when he died; can't remember when he died.
- Q Does your name appear upon the 1895 authenticated Roll of the Creek nation? A I think it does.

JOHN PERRYMAN. #3.

1895 Authenticated Roll of the Creek Nation, Arkansas Town examined and the name of Jack Perryman found there on at number 1321. The name of Jack being written in red ink.

- Q What other brother did you ever have besides Sam?
A I don't know sir.
Q Did you have one named Tom? A No, sir, I never heard my mother say.
Q Are you married? A No, sir.
Q Is there any additional statement that you desire to make with regard to your application? A No, sir, I guess not.

WYLEY McINTOSH, being duly sworn, testified as follows:

- Q What is your name? A Wyley McIntosh.
Q What is your age? A 45.
Q Are you a citizen of the Creek nation? A I am.
Q What town do you belong to? A Arkansas colored.
Q Are you acquainted with John and Jack Perryman? A Yes, sir.
Q Are they citizens of the Creek Nation? A Yes, sir.
Q What town do they belong to? A They belong to Arkansas colored.
Q Is the mother of these boys living? A Yes, sir.
Q Who is the mother of these boys? A Mary Carson.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a Cherokee citizen? A Yes, sir.
Q By blood or Cherokee Freedman? A Cherokee Freedman.
Q Who is the father of these boys? A Billy Perryman.
Q Is he living? A No, sir, he is dead.
Q Was he a citizen of the Creek nation? A I couldn't say.
Q Do you know whether or not his name appeared on the town roll?
A I don't know.
Q Do you know whether or not John and Jack Perryman drew the \$29.00? A Yes, sir, they did.
Q Do you identify John and Jack Perryman, the applicants as the persons whose names appear upon the 1890 roll in Arkansas town?
A I do.
Q Do you know Sannie Perryman? A Yes, sir.
Q A brother of these boys? A Yes, sir.
Q Is he living? A No, sir he is dead.
Q When did he die? A I can't say when; he was the youngest boy.
Q Did he draw the \$29? A I don't know whether he did or not.
Q Were there any younger boy in the family? A No, sir, I don't know. I don't know any boy by the name of Tom.
Q Were you ever Town King of Arkansas Town? A Never was.
(By Mr. Durant)
Q Were you ever secretary for the Town King and recorded the names in the Arkansas Roll? A Yes, sir.
Q You acted as clerk for that district? A Yes, sir.

SAM McCURTAIN, being duly sworn testified as follows:

- Q What is your name? A Sam McCurtain.
Q What is your age? A About 35 or 40.
Q What is your Postoffice address? A Muskogee, I.T.
Q Of what Nation are you a citizen? A Cherokee Nation.
Q Are you acquainted with John and Jack Perryman? A Yes, sir.
Q What relation are you to them? A They are my nephews.
Q You mean that their mother is a sister of your's? A Yes, sir.
Q Is she living? A Yes, sir.
Q What is her name? A Mollie Carson.
Q Of what Nation is she a citizen? A Cherokee Nation.
Q Does her name appear upon the Cherokee Rolls? A Yes, sir, on this last time.

JOHN PERRYMAN #4.

- Q In which payment? A Kerns' Roll.
Q Under what name did she draw money at that time?
A Mollie Carson.
Q Are you acquainted with the father of John and Jack Perryman?
A Yes, sir.
Q Was he a citizen of the Creek nation? A So far as I know he was.
Q Did he draw any money? A Yes, sir.
Q What money did he draw? A The \$4.00.
Q Did he draw in any other payment? A I couldn't say.
Q Did you see him draw the \$4.00? A No, sir.
Q How do you know that he did? A His mother said he did and he said he did.
Q Are John and Jack Perryman citizens of the Creek nation?
A Yes, sir.
Q Have they drawn money in the Creek nation? A Yes, sir.
Q What payment did they draw in? A \$29.
Q Did you see them draw the money? A I drew it for them.
Q You drew it for them? A Yes, sir.
Q What names did they go by then? A Johnny and Jack.
Q Are you positive that you drew it for John and Jack Perryman?
A Yes, sir, from Mr. Moore.
Q Did they draw the \$14.40? A I don't know anything about that.
Q Do you know Sarmie Perryman? A ~~Yes~~ I do, yes sir.
Q Brother to these applicants? A Yes, sir.
Q How old is Sarmie? A He is dead now.
Q How old was he when he died? A I couldn't say exactly how old he was.
Q When did he die? A I couldn't say, I didn't keep my records.
Q Do you know whether or not he was older than John and Jack?
A He was younger than these boys.
Q Younger than either of them? A Yes, sir, the oldest one is Wyley McIntosh and I think John is next.
Q Did you know one named Tom? A No, sir, don't recollect him.
Q Can't you give us some idea when Sarmie died? A The mother might; I don't know.
Q Can't you state whether it has been one year or ten years?
A I have no idea.
Q Can you state whether or not it has been over two years since Sarmie died? A I wouldn't be positive in that either.
Q Did you ever draw any money for Sarmie? A No, sir.
Q How did you happen to draw for John and Jack and didn't draw for Sarmie? A He was dead then and I didn't draw for but the three.
Q Who were the three you drew for? A John, Jack and Wyley.
Q Then Sarmie was dead then? A I think so, I wouldn't be positive about that.

JOHN PERRYMAN, recalled, testified as follows:

- Q Did you ever have a brother named Tom? A No, sir.
Q Did you have one named Sarmie? A Yes, sir.
Q Is Sarmie older or younger than you? A Younger.
Q Is he living? A No, sir.
Q When did he die? A He has been dead for about ten years.
Q Where was he living when he died? A At Okmulgee.

Sam McCurtain, recalled, testified as follows:

- Q What did you do with the \$29 you drew for these boys?
A Gave it to their mother.
Q Never gave it to the boys at all? A No, sir, I didn't; I gave it to their mother, they had a little debt ~~at~~ Severn's store and I gave it to their mother.
Q Are you positive that it was John and Jack that you drew the \$29 for? A Yes, sir.
Q Are you positive that you didn't draw for for Sarmie?
A I wouldn't say anything but that I drew for the three entirely.

JOHN PERRYMAN. #5.

Q Can you state positively that you didn't draw any for Sam?
A Well, I wouldn't like to say it.

Lona Cummings, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 19th day of February, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

(signed) Lona Cummings.

Subscribed and sworn to before me at Muskogee Indian Territory this 20th day of February, 1901.

(signed) TAMS BIXBY,

Acting Chairman.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes upon my oath state that the above and foregoing is a full, true and correct copy of the original transcript of the proceedings in the matter of the application of John and Jack Perryman for enrollment as citizens of the Creek Nation; said original transcript having been made by Lona Cummings, as stenographer.

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


Acting Chairman

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
McLette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867, there appears the following: "Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====
(COPY)

State of Kansas: ss.
County of Linn:

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed.) J. A. Gady
County Clerk of Linn County, Kansas.

(SEAL)

=====
By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

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

[Handwritten signature]
Commissioner.

To be filed in F. D-1060.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

(Freed. D-1047.)

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee freedman.

Applicant appears by Lewis T. Brown ; Cherokee Nation by W. W. Hastings and J. S. Davenport.

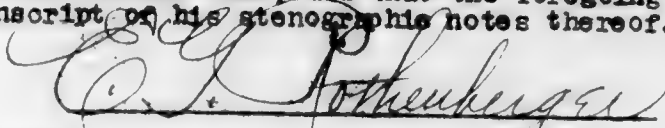
Lewis T. Brown: The applicant offers in evidence the testimony of Polly Archer taken by Lewis T. Brown, attorney for the applicant, and James S. Davenport representing the Cherokee Nation, on the 30th day of May, 1902, at her home, by agreement.

Commission: The same will be filed and made a part of the record.

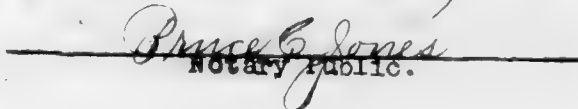
This deposition and the proceedings above will be made a part of the record in the following cases:

Mary Carson, D-1060; Samuel McCurtain, D-1061;
Henry Henderson, D-1048; and in the case at
bar, being that of Katie Kernel, No. D-1047.

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.


C. J. Rothberger

Subscribed and sworn to before me this 13th day of June, 1902.


Bruce G. Jones
Notary Public.

X

To be filed in F. D-1060.

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee Freedmen.

Deposition of Mrs. Polly Archer taken by agreement between the Attorneys for the Cherokee Nation and Louis T. Brown, Agent for the applicant, it being also agreed that said Louis T. Brown should serve as a Notary Public in taking said deposition.

Jas. S. Davenport
Atty for Cherokee N.
Louis T. Brown
Agent for the Applicant.

Mrs. Polly Archer being first duly sworn by Louis T. Brown, a Notary Public in and for the Northern District, Indian Territory, testified as follows:

1- State your age, name & residence?

Mary F. Archer, sometimes called Polly Archer, age 77 years, Pryor Creek, I. T. I am a recognized Cherokee citizen. My father's name was Joseph Vann and my mother was named Katie Vann and they were both recognized citizens of the Cherokee Nation. My father owned a negro woman by the name of Catherine or Katie. At the beginning of the war she was in Texas with Mrs. Clarinda Summers who was my sister. My father never sold her to any one and at the time the emancipation Proclamation was issued she was the property of my father. I suppose Mrs. Summers was a citizen of the State of Texas. My father never sold any of his slaves. I have never seen this colored woman since the war.

Cross Examination by Mr. Davenport.

My sister Mrs. Summers had taken a number of my father's slaves to Texas several years before the war. When Mrs. Summers left the Cherokee Nation for Texas, she was then a recognized citizen of the Cherokee Nation. My sister Mrs. Summers made her home in Texas from the time she moved there before the war until 1865. Soon after her return, she died and her son Joe Summers was readmitted by the Tribal Authorities. The applicant whom I knew as Katie Vann was in the state of Texas, living with my sister in Texas when the Civil war came up. I don't know if she ever returned to the Cherokee Nation. There were several of them stopped in the Creek, Choctaw and Chickasaw Nations. I have never seen the applicant since she went to Texas before the war. My father never had applicant hired to McCurtain or any one else in the Choctaw Nation. She was taken direct to Texas from the Cherokee Nation, and since the war I have heard of her living in the Choctaw and Creek Nations.

Redirect examination by Louis T. Brown.

These slaves were taken to Texas to work upon Mrs. Summers farm. My father receive no compensation for their labor there. I do not know of my own personal knowledge where the applicant has lived since the close of the war.

ReCross Exam.

I don't think she ever returned to the Cherokee Nation.

Redirect.

It is possible she could have returned to the Cherokee Nation after the close of the War and lived, without my knowledge. I was living in the town of Fort Gibson in 1864, but have not lived there since. I have been back and forth through the town since 1864.

M. F. Archer.



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

E. L. Rothberger

Subscribed and sworn to before me this 22nd day of July, 1902.

Prince Jones

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 17, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application for the enrollment of MARY CARSON as a Cherokee Freedman.

Appearances:

Applicant appears in person.
W. W. Hastings, Attorney for Cherokee Nation.

The Attorney for the Cherokee Nation was notified by mail,
October 19, 1903, that a hearing would be had in this case on the
17th day of November, 1903; he appears before the Commission on
said date.

MARY CARSON, being first duly sworn, testified as follows
in her own behalf:

BY COMMISSION: What is your name? A Mary Carson.
Q How old are you? A I am about forty or forty-three.
Q What is your post office? A Muskogee.
Q Where do you live now? A I live here in Muskogee.
Q Were you born before the war? A I can't tell you whether I was
born before the war or after. I was a little girl the time of the
war, that's what my folks says. I can't tell you a thing about it.
Q Did your folks tell you you were born before the war or after or
during the war? A During the war, I guess.
Q To the best of your knowledge, you were born during the war?
A I was born in the war time. I was a little girl the time this
peace was made.
Q How long have you been living in Muskogee?
A Lord, I have been in Muskogee before the railroad come in here..
I have lived in the Cherokee Nation all the time.
Q Have you lived in the Creek Nation ever since 1870?
A I have been living in the Cherokee Nation until this town built up,
then I moved in here.
Q How long have you been here now continuously?
A I can't tell you, because I can't read and write.
Q How many years have you lived here in the Creek Nation
A As near as I could guess at it, I think I lived here about 20 or
23 years since I have been in Muskogee.
Q Have you lived here continuously during the last 23 years?
A Yes sir, I think that is the time, I guess it is longer than that.
Q Have you ever been out of the Indian Territory within the last 23
years? A No sir, I have been in the Cherokee Nation.
Q But you have never been out of the Indian Territory within the
last 23 years? A No sir, nowhere to go. I have been to Fort Smith
and Coffeyville and Vinita. That's where I have been going, and
that's as far as I have gone.
Q Are you married? A Yes sir, that is my husband was in here a
while ago, Carson the shoemaker.
Q When were you married? A I can't tell you when.
Q About how many years ago? A Been married now about twelve
years, eight years, a little longer than t hat, aint it.
Q What was your father's name? A My mother tells me father's
name is Mose Harlin. You are asking me something I don't know
anything about.
Q You don't know who your father was? A I don't know my father's
name.

Q What is your mother's name? A My mother's name was Katie Vann, her name was Katie Red. Her right name, her mistress says, was Katherine Vann, she used to belong to Pollie Archer.

Q Was she ever known by the name of Katie Kernal, your mother?

A You see Pollie Archer - her name was Kernal, her husband is out here in the Creek Nation. Before she married Kernal her name was --

Q She married a man by the name of Kernal? No response.

Q You know Samuel McCurtain? A Yes sir, I do. That is my brother.

Q Is he your full brother? A Full brother on the mother's side.

Q He had a different father? A You are asking me about something I don't know anything about. We are all nothing but wood colts. We was got the time of the war, I don't know anything about it.

Q You and Samuel McCurtain had the same mother?

A Me and him has one mother and a different father.

Q Do you know whether your brother, Samuel McCurtain, was born before the war? A No sir, I can't tell you anything about that.

Q Do you know where he has been living? A He has been living here in the Creek Nation all the time.

Q How long? A The same time I have.

Q Has he been living in the Creek Nation continuously for the last twenty-three years? A Yes sir.

Q Did you ever know of him living outside of Indian Territory?

A No sir.

Q Did you ever live outside of Indian Territory since you were born?

A No sir, right here in the Cherokee and Creek Nations until I got big enough to travel about. I was brought here to Fort Smith. I travelled back and forward.

Q Who do you claim your rights through? A You are asking me something I don't know nothing about. I claim my rights in the Cherokee Nation.

Q Through your mother? A Through my mother. I aint claiming through my father, because I don't know what my father is. We all was nothing but a wood colt, got at the time of the war time.

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 his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 21st day of November, 1903.

Charles H. Sawyer
Notary Public.

[Handwritten signature]

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

In the matter of the application for the enrollment of
Katie Kernel et al., as Cherokee freedmen, consolidating the
applications of:

Katie Kernel	Cherokee Freedmen	D-1047
Henry Henderson	"	" D-1048
Mary Carson	"	" D-1060
Samuel McCurtain	"	" D-1061

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Katie Kernel for herself; by Henry Henderson for himself; by Mary Carson for herself, and by Samuel McCurtain for himself.

The evidence shows that Katie Kernel is the mother of the other applicants in this case and that she was the slave of a Cherokee citizen at the commencement of the rebellion. It is further shown that during said rebellion she and her three children, applicants herein, were living outside the Cherokee Nation, but returned to said nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs Cherokee Nation et al., for the return of freedmen.

The evidence further shows that since their return to the Cherokee Nation they have lived continuously within the boundaries of the Five Civilized Tribes.

It is, therefore, the opinion of this Commission that Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain

should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stankey.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 5 1904

MAR

Handwritten signature - 1914

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-1060.

Muskogee, Indian Territory, October 17, 1903.

Mary Carson,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required as to whether you were born before or after the commencement of the war of the rebellion, and as to your residence .

You are therefore hereby adirected to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1060 & D-1061.

Muskogee, Indian Territory, October 17, 1903.

Louis T. Brown,

Agent for Mary Carson, et al.:

Vinita, Indian Territory.

Dear Sir:

In the matter of the applications for the enrollment of Mary Carson and Samuel McCurtain as Cherokee freedmen, you are advised that before a decision can be prepared in their cases, further testimony is required as to whether they were born before or after the commencement of the war, and as to their residence in the Cherokee Nation.

The applicants have been, therefore, directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
D-1060.

Muskogee, Indian Territory, June 30, 1904.

Mary Carson,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the
Commission's decision, dated March 8, 1904, granting among
others your application for enrollment as a Cherokee
Freedman.

Respectfully,

Commissioner in Charge.

Enc. L-27.
Register.

Cherokee Freedmen
D 1047, et al

Muskogee, Indian Territory, June 8, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Katie Kernel, et al., granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain as Cherokee freedmen.

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

Respectfully,

Encl. V-25.

Chairman.

Cherokee Freedmen
D-1847-1048-1800

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,

Agent for Katie Kernal, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed copies of the
Commissioner's decision, dated March 5, 1904, granting among
others, the applications for enrollment of Katie Kernal,
Henry Henderson and Mary Carson, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. 1-29.

Register.

Cherokee Freedmen

D-1060.

Muskogee, Indian Territory, August 17, 1904.

Mary Carson,

Muskogee, Indian Territory.

Dear Madam:

On June 30, 1904, there was forwarded to yourself and your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the Commission's decision, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman. Your said agent has heretofore been furnished with a copy of the record of proceedings.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Katie Kernel, Muskogee, Indian Territory, by the attorney for the Nation.

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

Respectfully,

Commissioner in Charge.

CCPY.

Cherokee Freedmen

D-1047-1048-1060.

Muskogee, Indian Territory, August 17, 1904.

Louis T. Brown,

Agent for Katie Kernel, et al.,

Tablequah, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded to you a copy of the Commission's decision, dated March 5, 1904, granting, among others, the applications for the enrollment of Katie Kernel, Henry Henderson and Mary Carson as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Katie Kernel, Muskogee, Indian Territory, by the attorney for the Nation.

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

Respectfully,

Commissioner in Charge.

0021
Cherokee Freedmen
D-1047-1048-1060-
1066.

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Katie Kernel, et al., including the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain as Cherokee freedmen.

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

Respectfully,

W. H. ...

Encl. S-87.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

3 Enclos.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply to
the following:

WASHINGTON, Sept. 17, 1904.

Land.

57361-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Kernel for herself; by Henry Henderson for himself; by Mary Carson for herself; and by Samuel McCurtain for himself.

The record shows that Katie Kernel is the mother of the other applicants and that she was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she and her three children, applicants herein, were living outside of the Cherokee Nation, and that they all returned to the Nation on or before February 11, 1867.

The protest against the decision of the Commission has been carefully considered.

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

Very respectfully,

A. C. TONNER,

Acting Commissioner.

M.M. M.
L.

(C O P Y)

465

WHE

D. C. 38219-1904 DEPARTMENT OF THE INTERIOR,

I. T. D. 7588-1904 WASHINGTON, September 24, 1904.

Y.P.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Katie Kernel, et al, including your decision of March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain.

Reporting in the matter September 17, 1904, the Acting Commission of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Theo Ryan

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D--1060.

Muskogee, Indian Territory, October 25, 1904.

Mary Carson,

Muskogee, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

Chairman.

Cherokee Freedmen

D-1047 et al

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings, & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-1047 et al

Muskogee, Indian Territory, October 23, 1904.

Louis T. Brown,
Attorney for Katie Kernel, et al.,
Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, the applications for the enrollment of Katie Kernel, Henry Henderson and Mary Carson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

Chairman.

Cher Fr 1402

Trans. from Cher Fr D 1048

Cher Fr 1402

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 18, 1901.

In the matter of the application of Henry Henderson for the enrollment of himself as a Cherokee Freedman; being sworn and examined by the Commission he testified as follows:

- Q What is your name? A Henry Henderson.
- Q How old are you? A I could not tell you.
- Q About how old? A I don't know my age, at all.
- Q Are you as much as 35 or 40; have you any idea; were you living when the war broke out? A Yes sir, I was a small sized boy.
- Q About two or three years old, then? A Something along in there.
- Q About 43 years old now? A Now I wont say I am 43.
- Q The war broke out 40 years ago? A Well I wont say.
- BY CHEROKEE REPRESENTATIVE, W.W.HASTINGS:
- Q Do you remember when the war came up? A Not really good.
- BY COMMISSION: Well, we will put him down about 40 years then.
- Q What is your post-office address? A When I am at home it is Claremore, but I am not there now, I am at Muskogee.
- Q How long are you going to be at Muskogee? A I suppose a month.
- Q Where are you going then? A Claremore.
- Q Claremore is your home? A Yes sir.
- Q What district do you live in? A Cooweescoowee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
- Q Have you ever applied in any other nation? A N sir.
- Q Do you want to enroll anybody but yourself? A There's my brother and sister.
- Q They will have to apply for themselves, they are over 21 years of age; have you any children? A Yes sir, I have one; the other children they belong to the Creek nation; they don't go with me at all.
- Q Are you married? A I have been; I am not now.
- Q What was the name of your wife? A Judie Kernel; she is married now; we are separated.
- Q Are these children with you? A No sir, none of them.
- Q You only apply for yourself then? A Yes sir.
- Q What is the name of your father? A Henderson they say, I don't recollect him.
- Q Was he a Cherokee Freedman? A No sir, he was an Indian.
- Q Cherokee Indian? A I couldn't tell.
- Q What is the name of your mother? A Katie Vann.
- Q Katie Kernel isn't it? A Well that's her husband's name; he is dead.
- Q She claims to be a Cherokee Freedman? A Yes sir.
- Q Where were you born? A I could not tell you.
- Q Where were you living when you first remember? A When I come to my good recollection really I was right here in Fort Gibson; little bit of a boy.
- Q How ~~long~~ old do you suppose you were at that time? A I couldn't tell you to save my life.
- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Well at this payment I was.
- Q Have you drawn money from the Cherokee nation? A Yes sir.
- Q What money did you draw? A I drewed that 200 and I disremember how much cents.
- Q That was about 5 years ago? A Yes sir, this last Freedman Payment.
- BY MR. HASTINGS:
- Q You were born where? A I say I couldn't tell where I was born.
- Q How long have you been at Claremore? A I am just working wherever I can make a dollar or so.
- Q When did you separate from your wife? A I guess it's something near about maybe 12 or 13 years ago, it is a long time,
- Q This Katie Kernel who applied here is your mother? A Yes sir.

Henry Henderson 2

Q You lived with her I suppose until you got grown? A Yes sir.

Q And she has been living over at the Creek Agency in the Creek Nation? A Yes sir.

Q You lived there I suppose with her? A Yes sir; I worked at the hotel there at Muskogee.

Q You married over there? A Yes sir.

Q And lived with your wife over there until 12 or 13 years ago? A Yes sir.

Q Since that time you have been working around? A Yes sir.

Q You are working at Muskogee now? A Pottering job, yes sir.

BY COMMISSION:

Q How long have you been at Muskogee this time, how long ago did you go to Muskogee? A I have been at Muskogee ever since the payment, working around.

Q Have you been there continuously since the payment? A Yes sir, working around and I have been to Claremore.

Q How long did you stay at Claremore? A I didn't stay there but a couple of weeks.

Q So your home is most of the time at Muskogee? A I am in and out Red Fork, with my team, and around, working around.

Q How long did you stay in the Cherokee Nation at one time? Since you have been grown? A Oh since I have been grown, I couldn't tell; I was in and out most every year, down at Braggs and Webbers Falls and back.

Q Did you ever work here as much as a month at a time? A No sir, but when I was a boy I worked here a while.

Q Then you went to Muskogee? A Yes sir.

Q And you have been there ever since that with the exception of this time that you worked in the Cherokee Nation off and on? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified as follows:

page 169 #4181 Henry Henderson, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1880 authenticated roll and 1890 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

COMMISSION: Henry Henderson applies for the enrollment of himself as a Cherokee Freedman. It appears from the testimony that he has been living in the Creek Nation almost all of his life, with the exception of several months while working in the Cherokee Nation. He states that he does not know where he was born. He is identified upon the Kern-Clifton pay roll of citizens of the Cherokee Nation. His name cannot be found upon any other rolls in the possession of the Commission. For the further consideration of the Commission his name will be placed upon a doubtful card, and he will be duly notified in writing at his present post-office address when the decision of the Commission is finally rendered. The representatives of the Cherokee Nation present request that a copy of the testimony in the matter of the application of Katie Kernel, the applicant's mother, who has been duly listed for enrollment upon Cherokee Freedman card D-1,047, be made a part of the record in this case, and same will be done.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the

Henry Henderson 3

testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Jones

Subscribed and sworn to before me this September 24, 1901.

C. R. Beckwith

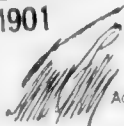
Commissioner.

J. D. 10-128

B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 13 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *Feb 18 1901*
Post Office *Claremore Ind. Ter.*
District *200*

1. Name *J Henry J Henderson* Age *40*
Owner's name
Year *K.C.* Page *109* No. *4181* District *200*
Citizenship

Parents:
Father *J Henderson* Citizenship *Indian*
Mother *Katie Kennel* Citizenship *Freedman*

2. Name of wife
Owners name
Year Page No. District
Parents:
Father
Mother
Citizenship
Citizenship
Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

Stenographer *W. D. Green*

J. Henry Henderson

File with C. S. D-

1048, Henry Henderson.
Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 18, 1901.

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by the Commission she testified as follows:

Q What is your name? A Katie Vann.
Q How old are you? A I don't know sir.
Q About how old? A I don't know my age, at all.
Q About how old were you when the war came up? A Well I can't tell you, I can't tell you anything about it.

BY MR. HASTINGS, Cherokee Representative:

Q Well were you grown and had children when the war came up? A Yes sir, I had one child.

Q About how old was he? A It is ~~a girl~~ that girl back there, I don't know her age at all.

BY COMMISSION:

Well, put her down about 70 years old.

Q What is your post-office? A Muskogee.

Q You apply for enrollment as a Cherokee Freedman? A Yes sir.

Q What district are you living in in the Cherokee Nation? A Well I had to go out off where I could get work.

Q You are living at Muskogee? A Yes sir, about four miles from Muskogee.

Q In the Creek Nation or in the Cherokee Nation? A In the Creek Nation.

Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.

Q Do you want to enroll anybody besides yourself? A I want my children to be enrolled.

Q How old are your children; are they over 21 years of age? A I can't tell you.

Q Are they all married? A One of them has been married.

Q What was the name of your father? A My father was named John Vann.

Q What was your mother's name? A My mother was named Harriet Vann.

Q Were you a slave? A Yes sir.

Q To whom did you belong? A Old Joe Vann.

Q Was he a Cherokee Indian? A Yes sir, first one I belonged to was his father, old Ave Vann, Peggy's Vann's husband.

Q Did you leave the Cherokee Nation when the war came up? A They had me hired out, I was way in the Choctaw Nation.

Q When did they send you to the Choctaw Nation? A I couldn't tell you.

Q How long was it before the war? A It wasn't very long before the war came out.

Q How long did you stay there? A I stayed there until peace was made.

Q Where did you come to then? A I come here to the Cherokee Nation.

Q What part of the Cherokee Nation? A Why here to Gibson.

Q How long did you remain here? A I remained here until I couldn't get no work to do and then I went into the Creek Nation.

Q About how long after you came into the Cherokee Nation was it until you went into the Creek Nation? A Soldiers was here when I first come here, and I used to wash here for the soldiers and draw rations.

Q That was after the war? A Yes sir.

Q You know about how long after the war? A Well I washed here until the soldiers went off.

Q You don't know when that was? A No sir, I don't know exactly

Katie Kernel e#2

when it was.

Q Have you ever been recognized as a Freedman? A Yes sir.

Q Is your name on the rolls? A I guess it is.

Q Upon what rolls does your name appear, do you know? A I can't tell you; my father and mother is there too. I don't know anything about it.

Q How long have you been living in the Creek Nation? A I have been living in the Creek Nation ever since after peace; I had a husband in the Creek Nation.

Q How long after peace? A Oh well, I can't tell you exactly how long.

Q Was it a year or two years? A When me and him got together.

Q Yes. A Yes sir, after they commenced working on this railroad.

Q Then you went to the Creek Nation? A Yes sir.

Q Have you been living there ever since that time? A Yes sir.

Q You don't live in the Cherokee Nation at all? A I don't live in the Cherokee Nation, but then the Creek Nation is not my home.

Q Did you ever have any other name besides Katie Vann? A Nothing else that I knows of.

Q What was your first husband's name? A My first husband, well I didn't have no first husband.

Q What was the second one named? A He was named Red Kernel, he went by his master's name.

Q Was he a Creek? A Yes sir.

Q What was the third one's name? A He was Indian.

Q Did you ever go by the name of Kernel? A I ~~guess~~ goes by my husband's name.

Q What is his name? A I told you there's one named Kernel.

Q Is that your name now? A They call me Katie Kernel.

Q Your right name then is Katie Kernel? A I guess so.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q Aunty, did you ever draw any money from the Cherokee Nation?

A Yes sir, I did.

Q When? A The last payment.

Q What name did you go by at that time? A The last one I put my name down Katie Vann.

Q Were you ever married to Sam Vann? A No sir.

Q What are the names of some of your children? A Henry, Sam and Audie.

Q Henry's name was Henry Henderson? A No sir, it was a sweetheart of mine I reckon; you ask me for the truth, I am going to tell you.

Q Did you have a son named Henry Henderson? A Yes sir.

Q Did you ever have any daughter named Katie Vann? A No sir.

Q You are sure you went by the name of Katie Vann when you drew the Kern-clifton money? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's name identified on same as follows:
page 169, #4180, Katie Vann, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q Now aunty, you said you came here in 1865 from the Choctaw Nation, or when peace was made? A Yes sir, I come here in '66.

Q How long did you remain here then before you went to the Creek Nation; did you stay as much as a year? A I guess over, I don't know.

Q Then you went to the Creek Nation? A Yes sir, - now Mister you must allow for me; I am no educated woman and I don't know no dates, no months and I don't know no dates of years.

Katie Kernal #3

- Q You have been living in the Creek Nation ever since? A Yes sir.
BY R.W.W.PASTINGS, Cherokee Representative:
- Q Now, aunty, where were you born? A I was born right here in Saline District. When I come to my senses I was with old Ave Vann, old Joe Vann's father.
- Q Did Ave Vann die? A Yes sir, he died.
- Q Did Joe Vann die? A Yes sir, he is dead.
- Q Where did he die? A He died in the Cherokee Nation I suppose.
- Q Before the war or after? A It was after the war I guess.
- Q Was he living when you left there? A Yes sir.
- Q Who were you working for when war come up? A When the war come up I was working in the Choctaw Nation.
- Q Who for? A I was working for man named Canada McCurtain.
- Q Near what town, what town was near there? A No town at all.
- Q Didn't you go to no place? A I didn't have no place to go, but right in the cotton field and work.
- Q How long had you been working for Canada McCurtain? A I don't know.
- Q As much as 20 years before the war? A Oh Lord, I don't know.
- Q Was it a long while or a short while? A It was a good while, I suppose.
- Q As much as 10 or 15 years? A I can't tell.
- Q You can't tell? A No sir, I do not know.
- Q Now you have got four children, have you aunty? A I aint got but three.
- Q Where was Henry born? A In the Choctaw Nation.
- Q Where was that girl born, Maud? A She was born there.
- Q Where was Sam born? A He was born there too.
- Q Which is the oldest? A Henry is the oldest.
- Q They were all born before the war? A It was along in to the war; when I brought them here they was nothing but little children, and they grewed up right here.
- Q How many of them were born before the war? A I don't know, I didn't have but two children.
- Q I thought you said you had three? A I didn't have but two I say when the war come up.
- Q What was McCurtain's wife's name, did you say Candy McCurtain, the man that you worked for? A He was named Canada McCurtain.
- Q What's his wife's name? A I don't know; had some kind of an Indian name, I can't tell it.
- Q Did he have any children? A They had one girl.
- Q What was her name? A Luvina. She is dead though now; all of them.
- Q Did they have any neighbors down there? A In the Choctaw Nation?
- Q Yes. A He had two brothers, as I knows of, they are dead.
- Q What was their names? A One was named William McCurtain.
- Q Do you know Green McCurtain? A Yes sir.
- Q How far did he live from there? A I reckon he lived about 4 miles from there.
- Q How long did you know him before the war? A They was nothing but children when I knowed them, and I never did go to see them much.
- Q You know what kin Green McCurtain was to your master down there, Canada McCurtain? A He was old Cornelius McCurtain's cousin I think.
- Q You can't recollect now aunty, about how many years you were down there? A No sir, I can't remember and another thing, I don't know.
- Q You know what McCurtain gave Joe Vann for you? A I don't know sir what he give.
- Q You ware down there when you were freed? A Yes sir.
- Q You were there with McCurtain? A Yes sir.
- Q McCurtain was a citizen of the Choctaw Nation? A Yes sir, and he told me to come on back home to my Mass Joe; the man I was working far with was dead, and his wife told me to come on back.
- Q You stayed there until you were freed? A Yes sir.
- Q Did you make a crop down there after the war? A Who, me?

Katie Fernel #4

- Q Yes. A No sir, I didn't never make none. didn't have time, I left from there in February.
- Q That was February the next year after peace was made was it?
- A I don't know sir.
- Q Well, the war had quit had it? A Yes sir, the war had quit, and they was sayins everybody had to come out from there.
- Q and you left there the next February after the war had quit?
- A No sir, I come right out just as quick as they notified me.
- Q That was the February right after the war? A I reckon, I don't know; I left in February I know, it was cold.
- Q Where did you come to? A Right here to Gibson.
- Q Did you bring these children with you? A I brought them right here.
- Q What children did you bring? A These three I have now.
- Q What place did you live? A I lived down here at a place that Aunt Lucy Musgrove used to live, Rab's mother.
- Q Was Hens. Rogers there? A Yes sir, him and his Manxy and Rab and Craco.
- Q Was John Schrimsher here? A I don't know, I don't know who you call that.
- Q How long did you stay here? A I stayed here a good while, I stayed and worked about here until I couldn't do nothing and got nothing to do and I had to go somewhere and do something for my children.
- Q And you went over to the Creek Agency? A Yes sir.
- Q And taken your children with you? A Yes sir.
- Q And have been living there ever since? A Yes sir.
- Q Now to the best of your judgment about how long did you stay here?
- A I can't tell nothing at all about that, I used to wash here in the garrison for the soldiers with the white women, and they give me the fat pork and white beans and light bread.
- Q Did you marry before you came back up here, did you have any man that came up with you? A No sir, I never had no man; I got this man in the Creek Nation where I was living.
- Q You never had any children by him? A No sir.

JERRY ALBERTY, being sworn and examined by the Commission testified as follows:

- Q What is your name? A Jerry Alberty.
- Q How old are you, Mr. Alberty? A I am about 60 odd.
- Q What is your post-office address? A Wagoner.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Citizen by blood? A No sir.
- Q Are you acquainted with the applicant, Katie Fernel? A Yes sir I know her.
- Q When did you first learn to know her? A I knowed her before the war.
- Q How long before the war? A Some two or three years.
- Q Was she living in the Cherokee Nation at that time? A Yes sir, well not two or three years, it was, I don't know what, it must have been 4 or 5 years.
- Q You knew her 4 or 5 years before the war? A Yes sir.
- Q Was she living here at that time? A Yes sir.
- Q How long did she remain here after you learned to know her?
- A Along just a little while after I got acquainted with her, she went to Texas.
- Q Do you know how long she remained in Texas? A No sir.
- Q Do you know when she came back to the Cherokee Nation? A No sir.
- Q When did you first see her again after she went away from here, 3 or 4 years after the breaking of the war, when was the first time you saw her after that? A I don't know, it was a good long while.
- Q As much as 6 or 7 years? A I guess it was.
- Q Where did you see her then? A I saw her again, it was at the old Agency where I first saw her, there was in the Creek Nation.

Katie Kernal #5

Q Was she living there then? A She was there, I don't know whether she had a home there.

Q You know how long she had been there? A No sir.

Q After she left the Cherokee Nation here three or four years before the war, do you know whether or not she ever came back to the Cherokee Nation to make her home there? A No sir I don't know.

MR. HASTINGS waives examination.

COMMISSIONER: Katie Kernal applies for the enrollment of herself as a Cherokee Freedman; 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 Kern-Clifton Pay Roll. She avers that prior to the breaking out of the war she was living in the Choctaw Nation, and that she returned here the year after peace was made, and it is presumed that it was in February, of 1866; she remained in the Cherokee Nation possibly one year, and then removed to the Creek Nation and has resided there ever since. For the further consideration of the Commission the said Katie Kernal will be listed for enrollment as a Cherokee Freedman upon what is known as a doubtful card. She will be notified in writing at her present post-office address of the decision of the Commission when rendered. The applicant desires to have the case held open until the Commission convenes at Vinita, Indian Territory, during the month of October, 1901, which will be done, the representatives of the Cherokee Nation present having agreed to same.

H. E. 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.

H. E. Green

Subscribed and sworn to before me this September 23rd, 1901.

C. R. Buckmaster

Commissioner.

File with C. F. D- 1048, Henry Henderson.

SUPPLEMENTAL, C.F. D-1047.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 23, 1901.

In the matter of the application of Katie Kernel for enrollment
as a Cherokee Freedman.

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:

Lewis T. Brown, agent for the applicant;
W.W. Hastings, Representative of the Cherokee Nation.

RAB ROGERS, being sworn by Commissioner Needles, testified
as follows:

BY MR. BROWN:

- Q What is your name? A Rab Rogers.
Q What is your age? A 66.
Q What is your post-office address? A Lenapah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name upon the authenticated roll of 1880? A Yes sir.
Q Do you know Katie Kernel? A Well I don't know her by that name,
I know her by Katie Vann; I heard her called Katie Kernel.
Q Has she any children? A She had three children.
Q State their names, please? A One was named Mollie, and then one
Sam McCurtain and Henry
Q When did you see Katie Kernel for the first time after the close
of the Civil War? A Here in Fort Gibson.
Q When was that? A That I reckon must have been in '65; directly
after I was mustered out of the war.
Q Where was she living and with whom? A Right there at my mother's
Q How long did she continue to live at Fort Gibson after '65? A I
guess she stayed right there at mother's about two or three years,
right there.
BY MR. HASTINGS:
Q Where did she go from there, Rab? A Now sir she went off, I
thought she went to Fort Smith, but then I heard them say she went
towards the Creek Nation.
Q You just heard that to-day? A No, I have been hearing it way be-
fore to-day.
Q She has been living in the Creek Nation ever since? A I don't
know sir, I reckon she might have been; I don't know nothing about
that, I just know where she were then and I seen her next time up
here.
Q You knew her before the war? A Yes sir, I have see her before
the war.
Q You knew her when Joe Vann sold her out to McCurtain in the
Choctaw Nation? A No sir, I knowed her before she went down there,
I didn't know she was down there until after she came back.
Q Didn't you know Vann sold her to a man in the Choctaw Nation?
A No sir.
Q Didn't you know she lived in the Choctaw Nation before the war?
A No, no more than I thought maybe she come back from a farm she
had down there.
Q Where did you live before the war? A In Springsnake and Flint and
on Verdigers.
Q You never lived in Saline? A No sir.
Q You ever around Joe Vann's up there in Saline? A Passed by there
Q This woman live around there when you come by? A I don't know.
Q You see his darkies? A Yes sir.
Q You didn't see her? A No sir, lots of them came back, Jennie
and all of them come back after the war, they had them down south.
Q I mean before the war? A Well that was before the war they took
all the darkies down there and had them down there before the war.

Katie Kernel sup'1 2

Q You didn't know she was sold to McCurtain? A No sir.

BY MR. BROWN:

Q Joe Vann did take some slaves down south then? A Yes sir.

BY MR. HASTINGS:

Q Where? A Down into Texas where his farm was.

BY MR. BROWN:

Q He was a citizen of the Cherokee Nation? A Yes sir.

Q Cherokee by blood? A Yes sir.

BY MR. HASTINGS:

Q Didn't Joe Vann have a daughter that married a white man in Texas

A Yes sir, let me see, I say yes sir, just that away; he had a daughter down there.

Q And these slaves you have reference to coming back belonged to his daughter down there? A Yes sir.

BY MR. BROWN:

Q You know whether they belonged to his daughter or to Joe himself?

A They used to have them there and carried them down there, Cull Vann would come and take darkies down there and go and fetch them back home.

BY MR. HASTINGS:

Q What ones did he ever take? A Dick and Neal and Sam and Mattie.

Q Was this woman, Katie, ever taken down there into Texas? A I don't know sir, just them men folks what I know come back; I don't know she has ever been in Texas, but I know all I know is when she come back here; I couldn't tell you where she come from; she had these three children when she come back.

Q What were these children's names? A Girl they called Mollie, she was the oldest one, and then two little boys, I didn't know which one was the oldest.

Q About how old were they, about three or four or five years old?

A Yes sir, they must have been about three or four years old.

Q When you first saw them after the war? A Yes sir.

BY MR. BROWN:

Q That was in '65? A Yes sir.

Q You said you continued to see them here in Fort Gibson two or three years afterwards? A Yes sir, they stayed right there at noth-

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 September 27th, 1901.

C. A. Brewster

Commissioner.

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7/11/18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 8 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.

Final R. O. & 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Henry Henderson for enrollment as
Freedmen of the Cherokee Nation.

No.

H. O. 1048

Louis T. Brown
Agent for applicant

To be filed in F. D-1048.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

(Freed D-1047.)

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W. W. Hastings and J. S. Davenport.

Lewis T. Brown: The applicant offers in evidence the testimony of Polly Archer taken by Lewis T. Brown, attorney for the applicant, and James S. Davenport, representing the Cherokee Nation, on the 30th day of May, 1902, at her home, by agreement.

Commission: The same will be filed and made a part of the record.

This deposition and the proceedings above will be made a part of the record in the following cases:

Mary Carson, D-1060; Samuel McCurtain, D-1061;
Henry Henderson, D-1048; and in the case at
bar, being that of Katie Kernel, No. D-1047.

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. J. Pothner, Jr.

Subscribed and sworn to before me this 19th day of June, 1902.

Bruce E. Jones

Notary Public.

To be filed in F. D-1048.

In the matter of the application of Katie Kemel for the enrollment of herself as a Cherokee Freedman.

Deposition of Mrs. Polly Archer taken by agreement between the Attorneys for the Cherokee Nation and Louis T. Brown, Agent for the applicant, it being also agreed that said Louis T. Brown should serve as a Notary Public in taking said deposition.

Jas. S. Davenport
Atty for Cherokee N.
Louis T. Brown
Agent for the Applicant.

Mrs. Polly Archer being first duly sworn by Louis T. Brown, a Notary Public in and for the Northern District, Indian Territory, testified as follows:

1- State your age, name & residence?

Mary F. Archer, sometimes called Polly Archer, age 77 years, Pryor Creek, I. T. I am a recognized Cherokee citizen. My father's name was Joseph Vann and my mother was named Katie Vann and they were both recognized citizens of the Cherokee Nation. My father owned a negro woman by the name of Catherine or Katie. At the beginning of the war she was in Texas with Mrs. Clarinda Summers who was my sister. My father never sold her to any one and at the time the emancipation Proclamation was issued she was the property of my father. I suppose Mrs. Summers was a citizen of the State of Texas. My father never sold any of his slaves. I have never seen this colored woman since the war.

Cross Examination by Mr. Davenport.

My sister Mrs. Summers had taken a number of my father's slaves to Texas several years before the war. When Mrs. Summers left the Cherokee Nation for Texas, she was then a recognized citizen of the Cherokee Nation. My sister Mrs. Summers made her home in Texas from the time she moved before the war until 1883. Soon after her return, she died and her son Joe Summers was readmitted by the Tribal Authorities. The applicant whom I knew as Katie Vann was in the State of Texas, living with my sister in Texas when the Civil war came up. I dont know if she ever returned to the Cherokee Nation. There were several of them stopped in the Creek, Choctaw and Chickasaw Nations. I have never seen the applicant since she went to Texas before the war. My father never had applicant hired to McCurtain or any one else in the Choctaw Nation. She was taken direct to Texas from the Cherokee Nation, and since the war I have heard of her living in the Choctaw and Creek Nations.

Redirect examination by Louis T. Brown.

These slaves were taken to Texas to work upon Mrs. Summers farm. My father receive no compensation for their labor there. I do not know of my own personal knowledge where the applicant has lived since the close of the war.

Recross Exam.

I dont think she ever returned to the Cherokee Nation.

Redir.

It is possible she could have returned to the Cherokee Nation after the close of the war and lived, without my knowledge. I was living in the town of Fort Gibson in 1864, but have not lived there since. I have been back and forth through the town since 1864.

M. F. Archer.

2-

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

W. L. Rothberger

Subscribed and sworn to before me this 23rd day of July, 1902.

Bruce G. Jones
Notary Public.

[Handwritten signature]

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

In the matter of the application for the enrollment of
Katie Kernel et al., as Cherokee freedmen, consolidating the
applications of:

Katie Kernel	Cherokee Freedmen	D-1047
Henry Henderson	"	D-1048
Mary Carson	"	D-1060
Samuel McCurtain	"	D-1061

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Katie Kernel for herself; by Henry Henderson for himself; by Mary Carson for herself, and by Samuel McCurtain for himself.

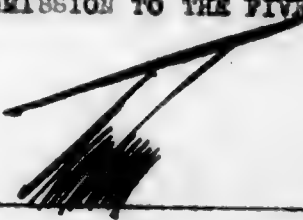
The evidence shows that Katie Kernel is the mother of the other applicants in this case and that she was the slave of a Cherokee citizen at the commencement of the rebellion. It is further shown that during said rebellion she and her three children, applicants herein, were living outside the Cherokee Nation, but returned to said nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs Cherokee Nation et al., for the return of freedmen.

The evidence further shows that since their return to the Cherokee Nation they have lived continuously within the boundaries of the Five Civilized Tribes.

It is, therefore, the opinion of this Commission that Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain

should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

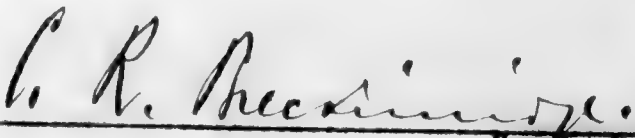
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 5 1904

1914

1914

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D 1047, et al

Muskogee, Indian Territory, June 8, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Katie Kernel, et al., granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain as Cherokee freedmen.

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

Respectfully,

Encl. V-25.

Chairman.

Cherokee Freedman
D-1048.

Muskogee, Indian Territory, June 30, 1904.

Henry Henderson,

Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the
Commission's decision, dated March 5, 1904, granting
among others, your application for enrollment as a
Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc.I-26.

Register.

Cherokee Freedmen
D-1047-1048-1060

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,

Agent for Katie Kernel, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed copies of the
Commission's decision, dated March 5, 1904, granting among
others, the applications for enrollment of Katie Kernel,
Henry Henderson and Mary Carson, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-29.

Register.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BEALL,
Secretary

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

1125
REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

D-1048.

Muskogee, Indian Territory, August 17, 1904.

Henry Henderson,

Claremore, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded to yourself and your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the Commission's decision, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman. Your said agent has heretofore been furnished with a copy of the record of proceedings.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Katie Kernel, Muskogee, Indian Territory, by the attorney for the Nation.

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

Respectfully,


Commissioner in Charge.

Cherokee Freedmen

D-1047-1048-1060.

Muskogee, Indian Territory, August 17, 1904.

Louis T. Brown,

Agent for Katie Kernel, et al.,
Tahlequah, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded to you a copy of the Commission's decision, dated March 5, 1904, granting, among others, the applications for the enrollment of Katie Kernel, Henry Henderson and Mary Carson as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Katie Kernel, Muskogee, Indian Territory, by the attorney for the Nation.

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

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-1047-1048-1060-

1065.

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Katie Kernel, et al., including the Commission's decision, dated March 9, 1904, granting the applications for the enrollment of Katie Kernel, Henry Anderson, Mary Carson and Samuel McCurtain as Cherokee freedmen.

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

Respectfully,

Encl. S-87.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C O P Y)

3 Enclos.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
57361-1904.

WASHINGTON, Sept. 17, 1904.

The Honorable ,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith , a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Kernel for herself; by Henry Henderson for himself; by Mary Carson for herself; and by Samuel McCurtain for himself.

The record shows that Katie Kernel is the mother of the other applicants and that she was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she and her three children, applicants herein, were living outside of the Cherokee Nation , and that they all returned to the Nation on or before February 11, 1867.

The protest against the decision of the Commission has been carefully considered.

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

Very respectfully,

M.M.M.
L

A. C. Tonner
Acting Commissioner

(C O P Y)

465

FHE

D.C. 38209-1904 DEPARTMENT OF THE INTERIOR,

I.T.D. 7588-1904 WASHINGTON,

September 24, 1904.

Y.P.

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

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Katie Kernel, et al, including your decision of March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain.

Reporting in the matter September 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

Cherokee Freedmen
D-1047 et al

Muskogee, Indian Territory, October 25, 1904.

Louis T. Brown,

Attorney for Katie Kernel, et al.,

Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, the applications for the enrollment of Katie Kernel, Henry Henderson and Mary Carson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. R. BROOKINRIDGE,
WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

Cherokee freedmen
D--1048

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 25, 1904.


Henry Henderson,

Claremore, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,



Chairman.

Cherokee Freedmen

D-1047 et al

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings, & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

John L. Smith
Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM O. BEALL,
Secretary

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

REFER IN REPLY TO THE FOLLOWING

CP. 140

Muskogee, Indian Territory, December 3, 1904.

Henry Henderson,

Claremore, I. T.

Dear Sir:

You are hereby advised that the name of yourself

appear upon a partial roll of Cherokee
freedmen approved by the Secretary of the Interior on November
16, 1904.

You are further advised that you will be permitted
to appear before the Cherokee Land Office at Tahlequah, Indian
Territory, and select allotments for those whom you are entitled
to represent when your ticket of admission is reached in the
regular order.

Respectfully,


Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Undelivered
Ret'd
May 24
1901



REGISTERED
JUL 12 1901
MUSKOGEE, IND. TER.

~~Henry Henderson~~

~~Claremore, Indian Territory.~~

Cher Fr 1403

Trans. from Cher Fr D 1047

Cher Fr 1403

File with C. S. D-1047, Katie Kernel.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 18, 1901.

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by the Commission she testified as follows:

Q What is your name? A Katie Vann.
Q How old are you? A I don't know sir.
Q About how old? A I don't know my age, at all.
Q About how old were you when the war came up? A Well I can't tell you, I can't tell you anything about it.

BY MR. HASTINGS, Cherokee Representative:

Q Well were you grown and had children when the war came up? A Yes sir, I had one child.

Q About how old was he? A It is a girl that girl back there, I don't know her age at all.

BY COMMISSION:

Well, put her down about 70 years old.

Q What is your post-office? A Muskogee.

Q You apply for enrollment as a Cherokee Freedman? A Yes sir.

Q What district are you living in in the Cherokee Nation? A Well I had to go out off where I could get work.

Q You are living at Muskogee? A Yes sir, about four miles from Muskogee.

Q In the Creek Nation or in the Cherokee Nation? A In the Creek Nation.

Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.

Q Do you want to enroll anybody besides yourself? A I want my children to be enrolled.

Q How old are your children; are they over 21 years of age? A I can't tell you.

Q Are they all married? A One of them has been married.

Q What was the name of your father? A My father was named John Vann.

Q What was your mother's name? A My mother was named Harriet Vann.

Q Were you a slave? A Yes sir.

Q To whom did you belong? A Old Joe Vann.

Q Was he a Cherokee Indian? A Yes sir, first one I belonged to was his father, old Ave Vann, Peggy's Vann's husband.

Q Did you leave the Cherokee Nation when the war came up? A They had me hired out, I was way in the Choctaw Nation.

Q Then did they send you to the Choctaw Nation? A I couldn't tell you.

Q How long was it before the war? A It wasn't very long before the war came out.

Q How long did you stay there? A I stayed there until peace was made.

Q Where did you come to then? A I come here to the Cherokee Nation.

Q What part of the Cherokee Nation? A Why here to Gibson.

Q How long did you remain here? A I remained here until I couldn't get no work to do and then I went into the Creek Nation.

Q About how long after you came into the Cherokee Nation was it until you went into the Creek Nation? A Soldiers was here when I first came here, and I used to wash here for the soldiers and draw rations.

Q That was after the war? A Yes sir.

Q You know about how long after the war? A Well I washed here until the soldiers went off.

Q You don't know when that was? A No sir, I don't know exactly

Katie Kernel of 2

when it was.

Q Have you ever been recognized as a Freedman? A Yes sir.

Q Is your name on the rolls? A I guess it is.

Q Upon what rolls does your name appear, do you know? A I can't tell you; my father and mother is there too. I don't know anything about it.

Q How long have you been living in the Creek Nation? A I have been living in the Creek Nation ever since after peace; I had a husband in the Creek Nation.

Q How long after peace? A Oh well, I can't tell you exactly how long.

Q Was it a year or two years? A When he and him got together.

Q Yes. A Yes sir, after they commenced working on this railroad.

Q Then you went to the Creek Nation? A Yes sir.

Q Have you been living there ever since that time? A Yes sir.

Q You don't live in the Cherokee Nation at all? A I don't live in the Cherokee Nation, but then the Creek Nation is not my home.

Q Did you ever have any other name besides Katie Vann? A Nothing else that I knows of.

Q What was your first husband's name? A My first husband, well I didn't have no first husband.

Q What was the second one named? A He was named Red Kernel, he went by his master's name.

Q Was he a Creek? A Yes sir.

Q What was the third one's name? A He was Indian.

Q Did you ever go by the name of Kernel? A I ~~guess~~ goes by my husband's name.

Q What is his name? A I told you there's one named Kernel.

Q Is that your name now? A They call me Katie Kernel.

Q Your right name then is Katie Kernel? A I guess so.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q Aunty, did you ever draw any money from the Cherokee Nation?

A Yes sir, I did.

Q When? A The last payment.

Q What name did you go by at that time? A The last one I put my name been Katie Vann.

Q Were you ever married to Sam Vann? A No sir.

Q What are the names of some of your children? A Henry, Sam and Paulie.

Q Henry's name was Henry Henderson? A No sir, it was a sweetheart of mine I reckon; you ask me for the truth, I am going to tell you.

Q Did you have a son named Henry Henderson? A Yes sir.

Q Did you ever have any daughter named Katie Vann? A No sir.

Q You are sure you went by the name of Katie Vann when you drew the Kern-clifton money? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's name identified on same as follows:

page 169, #4180, Katie Vann, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q Now aunty, you said you came here in 1865 from the Choctaw Nation, or when peace was made? A Yes sir, I came here in '66.

Q How long did you remain here then before you went to the Creek Nation; did you stay as much as a year? A I guess over, I don't know.

Q Then you went to the Creek Nation? A Yes sir, - now Mister you must allow for me; I am no educated woman and I don't know no dates, no months and I don't know no dates of years.

Katie Harnel #3

- Q You have been living in the Creek Nation ever since? A Yes sir.
BY R.W.W.PASTORS, Cherokee Representative:
- Q Now, aunty, where were you born? A I was born right here in Saline District. When I come to my senses I was with old Ave Vann, old Joe Vann's father.
- Q Did Ave Vann die? A Yes sir, he died.
- Q Did Joe Vann die? A Yes sir, he is dead.
- Q Where did he die? A He died in the Cherokee Nation I suppose.
- Q Before the war or after? A It was after the war I guess.
- Q Was he living when you left there? A Yes sir.
- Q Who were you working for when war come up? A When the war come up I was working in the Choctaw Nation.
- Q Who for? A I was working for man named Canada McCurtain.
- Q Near what town, what town was near there? A No town at all.
- Q Didn't you go to no place? A I didn't have no place to go, but right in the cotton field and work.
- Q How long had you been working for Canada McCurtain? A I don't know.
- Q As much as 20 years before the war? A Oh Lord, I don't know.
- Q Was it a long while or a short while? A It was a good while, I suppose.
- Q As much as 10 or 15 years? A I can't tell.
- Q You can't tell? A No sir, I do not know.
- Q Now you have got four children, have you aunty? A I aint got but three.
- Q Where was Henry born? A In the Choctaw Nation.
- Q Where was that girl born, Maud? A She was born there.
- Q Where was Sam born? A He was born there too.
- Q Which is the oldest? A Henry is the oldest.
- Q They were all born before the war? A It was long in to the war; when I brought them here they was nothing but little children, and they grewed up right here.
- Q How many of them were born before the war? A I don't know, I didn't have but two children.
- Q I thought you said you had three? A I didn't have but two I say when the war come up.
- Q What was McCurtain's wife's name, did you say Candy McCurtain, the man that you worked for? A He was named Canada McCurtain.
- Q What's his wife's name? A I don't know; had some kind of an Indian name; I can't tell it.
- Q Did he have any children? A They had one girl.
- Q What was her name? A Luvina. She is dead though now; all of them.
- Q Did they have any neighbors down there? A In the Choctaw Nation?
- Q Yes. A He had two brothers, as I knows of, they are dead.
- Q What was their names? A One was named William McCurtain.
- Q Do you know Green McCurtain? A Yes sir.
- Q How far did he live from there? A I reckon he lived about 4 miles from there.
- Q How long did you know him before the war? A They was nothing but children when I knowed them, and I never did go to see them much.
- Q You know what kin Green McCurtain was to your master down there, Canada McCurtain? A He was old Cornelius McCurtain's cousin I think.
- Q You can't recollect now aunty, about how many years you were down there? A No sir, I can't remember and another thing, I don't know.
- Q You know what McCurtain gave Joe Vann for you? A I don't know sir what he give.
- Q You were down there when you were freed? A Yes sir.
- Q You were there with McCurtain? A Yes sir.
- Q McCurtain was a citizen of the Choctaw Nation? A Yes sir, and he told me to come on back home to my Maes Joe; the man I was working for with was dead, and his wife told me to come on back.
- Q You stayed there until you were freed? A Yes sir.
- Q Did you make a crop down there after the war? A Who, me?

Katie Kernal #4

- Q Yes. A No sir, I didn't never make none. didn't have time, I left from there in February.
- Q That was February the next year after peace was made was it?
- A I don't know sir.
- Q Well, the war had quit had it? A Yes sir, the war had quit, and they was saying everybody had to come out from there.
- Q And you left there the next February after the war had quit?
- A No sir, I come right out just as quick as they notified me.
- Q That was the February right after the war? A I reckon, I don't know; I left in February I know, it was cold.
- Q Where did you come to? A Right here to Gibson.
- Q Did you bring these children with you? A I brought them right here.
- Q What children did you bring? A These three I have now.
- Q What place did you live? A I lived down here at a place that Aunt Lucy Musgrave used to live, Rab's mother.
- Q Was Hous. Rogers there? A Yes sir, him and his Mammy and Rab and Craco.
- Q Was John Schrimsher here? A I don't know, I don't know who you call that.
- Q How long did you stay here? A I stayed here a good while, I stayed and worked about here until I couldn't do nothing and got nothing to do and I had to go somewhere and do something for my children.
- Q And you went over to the Creek Agency? A Yes sir.
- Q And taken your children with you? A Yes sir.
- Q And have been living there ever since? A Yes sir.
- Q Now to the best of your judgment about how long did you stay here?
- A I can't tell nothing at all about that, I used to wash here in thearrison for the soldiers with the white women, and they give me the fat pork and white beans and light bread.
- Q Did you marry before you came back up here, did you have any man that came up with you? A No sir, I never had no man; I got this man in the Creek Nation where I was living.
- Q You never had any children by him? A No sir.

JERRY ALBERTY, being sworn and examined by the Commission testified as follows:

- Q What is your name? A Jerry Alberty.
- Q How old are you, Mr. Alberty? A I am about 60 odd.
- Q What is your post-office address? A Wagoner.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Citizen by blood? A No sir.
- Q Are you acquainted with the applicant, Katie Kernal? A Yes sir I know her.
- Q When did you first learn to know her? A I knowed her before the war.
- Q How long before the war? A Some two or three years.
- Q Was she living in the Cherokee Nation at that time? A Yes sir, well not two or three years, it was, I don't know what, it must have been 4 or 5 years.
- Q You knew her 4 or 5 years before the war? A Yes sir.
- Q Was she living here at that time? A Yes sir.
- Q How long did she remain here after you learned to know her?
- A Along just a little while after I got acquainted with her, she went to Texas.
- Q Do you know how long she remained in Texas? A No sir.
- Q Do you know when she came back to the Cherokee Nation? A No sir.
- Q When did you first see her again after she went away from here, 3 or 4 years after the breaking of the war, when was the first time you saw her after that? A I don't know, it was a good long while.
- Q As much as 6 or 7 years? A I guess it was.
- Q Where did you see her then? A I saw her again, it was at the old Agency where I first saw her, there was in the Creek Nation.

Katie Kernol #5

Q Was she living there then? A She was there, I don't know whether she had a home there.

Q You know how long she had been there? A No sir.

Q After she left the Cherokee Nation here three or four years before the war, do you know whether or not she ever came back to the Cherokee Nation to make her home there? A No sir I don't know.

MR. HASTINGS waives examination.

COMMISSION: Katie Kernol applies for the enrollment of herself as a Cherokee Freedman; 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 Kern-Clifton Pay Roll. She avers that prior to the breaking out of the war she was living in the Choctaw Nation, and that she returned here the year after peace was made, and it is presumed that it was in February, of 1866; she remained in the Cherokee Nation possibly one year, and then removed to the Creek Nation and has resided there ever since. For the further consideration of the Commission the said Katie Kernol will be listed for enrollment as a Cherokee Freedman upon what is known as a doubtful card. She will be notified in writing at her present post-office address of the decision of the Commission when rendered. The applicant desires to have the case held open until the Commission convenes at Vinita, Indian Territory, during the month of October, 1901, which will be done, the representatives of the Cherokee Nation present having agreed to same.

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 September 23rd, 1901.

C. R. Buckner

Commissioner.

13.

7. 1047

COMMISSION TO... AMERICAN
COMMISSION TO... CIVILIZED TRIBES.

FILED
SEP 13 1901

A cursive handwritten signature, possibly reading "F. J. ..." or similar, written in dark ink.

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 18, 1901.
Post Office Muskogee, Okla.
District Creek Nation

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

1. 2. Name of wife Stacie Kernal Age about 70 yrs
Owners name Joe Kernal and Ab Kernal Citizenship Cherokee
Year H. L. Page 169 No. 4180 District Leov

Parents:

Father John Kernal Citizenship Leov
Mother Harriet Kernal Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by # 1.

Stenographer M. D. Green

1 on H. L. Roll as Stacie Kernal.

File with C. F. D- 1047, Katie Kernel

SUPPLEMENTAL, C.F. D-1047.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 23, 1901.

In the matter of the application of Katie Kernel for enrollment
Cherokee Freedman.

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:

Lewis T. Brown, agent for the applicant;
W.W. Hastings, Representative of the Cherokee Nation.

RAB ROGERS, being sworn by Commissioner Needles, testified
as follows:

BY MR. BROWN:

- Q What is your name? A Rab Rogers.
- Q What is your age? A 66.
- Q What is your post-office address? A Lenapah.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Is your name upon the authenticated roll of 1880? A Yes sir.
- Q Do you know Katie Kernel? A Well I don't know her by that name,
I know her by Katie Vann; I heard her called Katie Kernel.
- Q Has she any children? A She had three children.
- Q State their names, please? A One was named Mollie, and then one
Sam McCurtain and Henry
- Q When did you see Katie Kernel for the first time after the close
of the Civil War? A Here in Fort Gibson.
- Q When was that? A That I reckon must have been in '65; directly
after I was mustered out of the war.
- Q Where was she living and with whom? A Right here at my mother's
- Q How long did she continue to live at Fort Gibson after '65? A I
guess she stayed right there at mother's about two or three years,
right there.
- BY MR. HASTINGS:
- Q Where did she go from there, Rab? A Now sir she went off, I
thought she went to Fort Smith, but then I heard them say she went
towards the Creek Nation.
- Q You just heard that to-day? A No, I have been hearing it way be-
fore to-day.
- Q She has been living in the Creek Nation ever since? A I don't
know sir, I reckon she might have been; I don't know nothing about
that, I just know where she were then and I seen her next time up
here.
- Q You knew her before the war? A Yes sir, I have see her before
the war.
- Q You knew her when Joe Vann sold her out to McCurtain in the
Choctaw Nation? A No sir, I knowed her before she went down there,
I didn't know she was down there until after she came back.
- Q Didn't you know Vann sold her to a man in the Choctaw Nation?
A No sir.
- Q Didn't you know she lived in the Choctaw Nation before the war?
A No, no more than I thought maybe she come back from a farm she
had down there.
- Q Where did you live before the war? A In Springsnake and Flint and
on Verdigers.
- Q You never lived in Saline? A No sir.
- Q You ever around Joe Vann's up there in Saline? A Passed by there
- Q This woman live around there when you come by? A I don't know.
- Q You see his darkies? A Yes sir.
- Q You didn't see her? A No sir, lots of them came back, Jennie
and all of them come back after the war, they had them down south.
- Q I mean before the war? A Well that was before the war they took
all the darkies down there and had them down there before the war.

Katie Kernel sup'1 2

Q You didn't know she was sold to McCurtain? A No sir.

BY MR. BROWN:

Q Joe Vann did take some slaves down south then? A Yes sir.

BY MR. HASTINGS:

Q Where? A Down into Texas where his farm was.

BY MR. BROWN:

Q He was a citizen of the Cherokee Nation? A Yes sir.

Q Cherokee by blood? A Yes sir.

BY MR. HASTINGS:

Q Didn't Joe Vann have a daughter that married a white man in Texas?
A Yes sir, let me see, I say yes sir, just that away; he had a daughter down there.

Q And these slaves you have reference to coming back belonged to his daughter down there? A Yes sir.

BY MR. BROWN:

Q You know whether they belonged to his daughter or to Joe himself?

A They used to have them there and carried them down there, Cull Vann would come and take darkies down there and go and fetch them back home.

BY MR. HASTINGS:

Q What ones did he ever take? A Dick and Neal and Sam and Katie.

Q Was this woman, Katie, ever taken down there into Texas? A I don't know sir, just them men folks what I know come back; I don't know she has ever been in Texas, but I know all I know is when she come back here; I couldn't tell you where she come from; she had these three children when she come back.

Q What were these children's names? A Girl they called Mollie, she was the oldest one, and then two little boys, I didn't know which one was the oldest.

Q About how old were they, about three or four or five years old?

A Yes sir, they must have been about three or four years old.

Q When you first saw them after the war? A Yes sir.

BY MR. BROWN:

Q That was in '65? A Yes sir.

Q You said you continued to see them here in Fort Gibson two or three years afterwards? A Yes sir, they stayed right there at mother's.

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 September 27th, 1901.

C. A. Brantley

Commissioner.

2

10 47

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 8 1901

[Handwritten signature]
ACTY

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

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. L. J. Oct 8 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Kate Kernal for enrollment as
Freedmen of the Cherokee Nation.

No. F. D. 1047

Louis T. Brown
Agent for applicant

File with Katie Kernel C. F. D. 1047.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel
Thompson et al, C. F. D. #606.

APPRESENCE:

James S. Davenport for the Cherokee Nation
Bellotte & Smith for the ~~Cherokee~~ applicant.

- D. F. Thompson, being first duly sworn by Con'r T. B. Needles, testified as follows on the part of the Cherokee Nation-
- (By Davenport)
- Q What is your name? A T. F. Thompson.
- Q Where do you live? A 3 miles south of Vinita.
- Q What is your age? A 54.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.
- Q Did you know him before the war? A Yes sir.
- Q Do you know where he went during the war? A I think he went north to Kansas.
- Q Where did your family go during the war? A To Red River.
- Q Choctaw Nation? A Chickasaw Nation.
- Q When did you return to this country? A In the fall of '66, in October.
- Q Did this applicant go with your family? A He never was with us during the war.
- Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.
- Q How far from where they had originally lived? A Same place.
- Q Was the applicant there when you returned? A No sir.
- Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
- Q With reference to the time the railroad was here when was it? A The Katy was here I think.
- Q About what year was it? A As well as I remember it was in '61 or '62.
- Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
- Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
- Q Where was he living at that time? A On Big Creek, he told me.
- Q Did he say then that he had been living on Grand river at the old place? A No sir.
- Q You had always lived on the old place since your return? A Yes sir.
- Q Same place you lived on prior to the breaking out of the war? A Yes sir.
- Q Had the applicant been there after the war -- to your house? A Not what I know of.
- Q You saw him here in Vinita for the first time after the war? A Yes sir.
- Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.
- (By Smith)
- Q What was your father's name? A Johnson Thompson.
- Q Is he a Cherokee? A Yes sir.
- Q By blood? A Yes sir.
- Q A recognized citizen of the Cherokee Nation? A Yes sir.
- Q Did he own Daniel Thompson before the war? A Yes sir.
- Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
- Q What time did you get back here after the war? A October, '66.
- Q You came to what place? A Our old place.
- Q How far from where Vinita is now? A 12 or 15 miles.
- Q How old were you then? A 13 years old.

Q That boy? A Yes sir.

Q From the time that you came back to your old place, for the following two years, where were you? A I was there--I went to school one or two sessions at Pea Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q How long had he then been in the Cherokee Nation?

Q You don't know where he was during the war? A No sir.

(By Smith)
Q When were you at school? A In '67, in the fall.

Q You was + none then from '66 to the fall of '67? A Yes sir.

Q How many times did you see the applicant there then? A No sir.

Q Never heard of him being there did you?

B. W. SMITH: I object to him stating what he might have heard.
(By Smith of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Com. T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Havenport)

Q What is your name? A David Stinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 60.

Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '72.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here--thought he would come back here so he called it.

Q Did he have a family with him then? A Yes sir.

Q What was that? A I think in '72.

Q What improvements had he made then? A Nothing, he was just in a wagon place.

Q Did he say when he had gone to Kansas? A No, I dont know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.

Q How many children did he have there? A Two.

Q What were their names? A Sandy and Mandy.

Q Wore they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '72.

(By Smith)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '72? A I came there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.
 Q You don't know where he was in '66? A No sir.
 Q In '67? A No sir.
 Q In '68? A No sir.
 Q In '65? A No sir.
 Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.
 Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.
 Q You don't know when he first came here after the war? A No sir, only that time.
 Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.
 (By Haverport)

Q Was he residing there when you came there in '71? A No sir.
 Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Haverport)
 Q What is your name? A William Noble.
 Q Where do you live? A On Big creek, Indian Territory.
 Q Cherokee Nation? A Yes sir.
 Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.
 Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.
 Q Do you know the applicant here, Daniel Thompson? A Yes sir.
 Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '73, and he has lived there ever since.
 Q Did he occupy a place there when he came down? A Yes sir.
 Q How far from you? A Two and a half miles.
 Q Do you remember seeing him when he came down there? A He was here when I first saw him, he had moved in there and commenced putting up a house.
 Q Did he have his family with him? A Yes sir.
 Q How many wife and three children.
 Q Did you have any conversation with him? A Yes sir, he told me he just got out of Kansas.
 Q Did he tell you that he was a slave here before the war? A Yes sir, he told me that after that he told me that he had been a slave of Daniel Thompson and that he was going to see him.
 Q When did you first come to the Cherokee Nation after the war? A In '64.
 Q Were you in the army? A Yes sir.
 Q When were you discharged from the army? A I was discharged, I think in '62.
 Q In what year '62?
 Q Were you discharged before the war closed? A No sir.
 Q How do you think it was in '62 that you were discharged? A I believe it was.
 Q In what part of it somewhere along there.
 Q Where was it in '62? A Yes sir.
 Q In what case was it? A In the Josh Vann case didn't you? A Yes sir.
 Q Did you say then that you were discharged in the year '65 from

Q Did you ever think I did. I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced. I don't recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharge you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now how did you do that? I went from Louisville, Kentucky where I was discharged to Iowa and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my paper which shows that I had some trading with him in '72.

Q How long had he been here before that? A No sir.

Q You don't know when he came here? A No sir, except when he came to Big Creek.

(By the Court)

Q You don't know when the war began? A No sir.

Q How was it closed? A No sir.

Q Had Dave Swinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho ~~TRILL~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chetopa? A No sir.

Q Were you ever arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Chetopa? I don't remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I don't think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Swinger)

Q What people in this case? A It was taken to Fort Smith and went before the grand jury and they didn't find any bill against me.

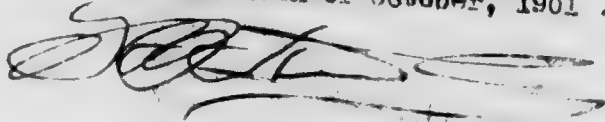
Q Are you a member of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in C. F. D. cases D-623 and D-693 and their subreferences.

=====

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

Chas. von Weise
Subscribed and sworn to before me this 17th of October, 1901 .



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certifice from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appear the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Brekinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====
(COPY)

State of Kansas: ss.
County of Linn :

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 20th day of October, A. D. 1901.

(SEAL) (Signed) J. A. Gady
County Clerk of Linn County, Kansas.

=====

By Commissioner Brekinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants. be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 8th of November, 1901.

Chas. von Weise
[Signature]

Commissioner.

Freed. D-1047.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W. W. Hastings and J. S. Davenport.

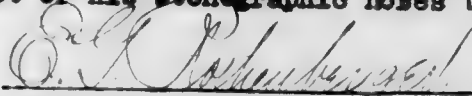
Lewis T. Brown: The applicant offers in evidence the testimony of Polly Archer taken by Lewis T. Brown, attorney for the applicant, and James S. Davenport representing the Cherokee Nation, on the 30th day of May, 1902, at her home, by agreement.

Commission: The same will be filed and made a part of the record.

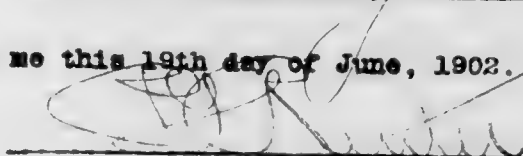
This deposition and the proceedings above will be made a part of the record in the following cases:

Mary Carson, D-1060; Samuel McCurtain, D-1061;
Henry Henderson, D-1048; and in the case at
bar, being that of Katie Kernel, No. D-1047.

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 19th day of June, 1902.



Notary Public.

To be filed in F. D-1047.

In the matter of the application of Katie Kernel for the enrollment of herself as a Cherokee Freedman.

Deposition of Mrs. Polly Archer taken by agreement between the Attorneys for the Cherokee Nation and Louis T. Brown, Agent for the applicant, it being also agreed that said Louis T. Brown should serve as a Notary Public in taking said deposition.

Jas. S. Davenport
Atty for Cherokee N.
Louis T. Brown
Agent for the Applicant.

Mrs. Polly Archer being first duly sworn by Louis T. Brown, a Notary Public in and for the Northern District, Indian Territory, testified as follows:

1- State your age, name & residence?

Mary P. Archer, sometimes called Polly Archer, age 77 years, Pryor Creek, I. T. I am a recognized Cherokee citizen. My father's name was Joseph Vann and my mother was named Katie Vann and they were both recognized citizens of the Cherokee Nation. My father owned a negro woman by the name of Catharine or Katie. At the beginning of the war she was in Texas with Mrs. Glarinda Summers who was my sister. My father never sold her to any one and at the time the emancipation Proclamation was issued she was the property of my father. I suppose Mrs. Summers was a citizen of the State of Texas. My father never sold any of his slaves. I have never seen this colored woman since the war.

Cross Examination by Mr. Davenport.

My sister Mrs. Summers had taken a number of my father's slaves to Texas several years before the war. When Mrs. Summers left the Cherokee Nation for Texas, she was then a recognized citizen of the Cherokee Nation. My sister Mrs. Summers made her home in Texas from the time she moved there before the war until 1863. Soon after her return, she died and her son Joe Summers was readmitted by the Tribal Authorities. The applicant whom I knew as Katie Vann was in the state of Texas, living with my sister in Texas when the civil war came up. I don't know if she ever returned to the Cherokee Nation. There were several of them stopped in the Creek, Choctaw and Chickasaw Nations. I have never seen the applicant since she went to Texas before the war. My father never had applicant hired to McCurtain or any one else in the Choctaw Nation. She was taken direct to Texas from the Cherokee Nation, and since the war I have heard of her living in the Choctaw and Creek Nations.

Redirect examination by Louis T. Brown.

These slaves were taken to Texas to work upon Mrs. Summers farm. My father receive no compensation for their labor there. I do not know of my own personal knowledge where the applicant has lived since the close of the war.

Recross Exam.

I don't think she ever returned to the Cherokee Nation.

Redir.

It is possible she could have returned to the Cherokee Nation after the close of the war and lived, without my knowledge. I was living in the town of Fort Gibson in 1864, but have not lived there since. I have been back and forth through the town since 1864.

M. F. Archer.

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

E. J. Rothberger

Subscribed and sworn to before me this 22nd day of July, 1908.

Prison & Jones
Notary Public.

RECORDED
JUL 23 1908
JUL 23 1908

In the matter of the application ^{of Katie Stogd} for
the enrollment of herself as a Cherokee
Freeman.

Depositions of Mrs Polly Archer
taken by agreement between the Attorney
for the Cherokee Nation and Louis J.
Brown, Agent for the applicant, it
being also agreed that said Louis J.
Brown should serve as a Notary
Public in taking said deposition

~~James H. H.~~
Wm. J. H. H.
Louis J. Brown
Agent for the Applicant

Mrs Polly Archer, being first duly
sworn by Louis J. Brown, a Notary
Public in and for the Northern
District Indian Territory, testified as
follows.

1- State your age, name & residence?
Mary J. Archer, sometimes called Polly
Archer, age 77 years, Pryor Creek D.T. I
am a recognized Cherokee citizen.
My father's name was Joseph Vann
~~and~~ my mother's name was Katie Vann
and they were both recognized citizens

of the Cherokee Nation, My father
owned a Negro woman by the name
of Catherine or Katie. At the beginning
of the war she was in Texas with
Mrs Charinda Summers. She was my
sister. My father never sold her to any
one and at the time the Emancipation
Proclamation was issued she was
the property of my father. I suppose
Mrs Summers was a citizen of the
State of Texas. My father never sold any
of his slaves. I have never seen this
colored woman since the war.

Cross Examination by Mr. Dampert
My sister Mrs Summers had taken a
number of my father's slaves to Texas
several years before the war. When Mrs
Summers left the Cherokee ^{Nation} for Texas,
she was then a recognized citizen
of the Cherokee Nation. My sister
Mrs Summers made her home in
Texas from the time she moved
there before the war until 1863. After
her return, she died and her son
Joe Summers was readmitted by
the Tribal authorities. The applicant
whom I knew as Katie Hamm was
in the State of Texas living with my

sister in Texas when she ^{first} came up. I dont know if she ever returned to the Cherokee Nation. There were several of them stopped at in the Creek, Choctaw and Chickasaw Nations. I have never seen the applicant since she went to Texas before the War. My father never had applicant hired to McCurtain or any one else in the Choctaw Nation. She was taken direct to Texas from the Cherokee Nation and since the war I have heard of her living in the Choctaw and Creek Nations.

Re direct Examination by ^{the Court} ~~the Court~~.
These slaves were taken to Texas to work upon Mrs Summers farm. My father receive no compensation for his labor. I do not know of my own personal knowledge where the applicant has lived since the close of the War.

Re cross Exam -

I dont think she ever returned to the Cherokee Nation.

Re dir.

It is possible she could have returned to the Cherokee Nation

after the close of the war and
lived, with out my knowledge.
I was living in the town of Fort Gibson
in 1864, but have not lived there
since I have been back and
forth through the town since
1864.

Ms. A. 9. 10. 1. 61. 18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FRONTIERS
F I L E
JUN 4 1865

~~Wm. G. Baker~~

In the matter of the application of Katie Womel for the enrollment of herself as a Cherokee freedman.

Depositions of Mrs. Polly Archer taken by agreement between the attorneys for the Cherokee Nation and Louis T. Brown, agent for the applicant, it being also agreed that said Louis T. Brown should serve as a notary public in taking said deposition.

(signed) Jas. S. Lavenport
Atty for Cherokee Na.

(Signed) Louis T. Brown
Agent for the applicant.

Mrs. Polly Archer, being first duly sworn by Louis T. Brown, a Notary Public in and for the Northern District, Indian Territory, testified as follows:

1- State your name, age and residence?

Mary F. Archer, sometimes called Polly Archer, age 77 years, Pryor Creek, I. T. A. a recognized Cherokee citizen. My father's name was Joseph Vann and my mother was named Katie Vann and they were both recognized citizens of the Cherokee Nation. My father owned a negro woman by the name of Catherine or Katie. At the beginning of the war she was in Texas with Mrs. Clarinda Summers, who was my sister. My father never sold her to any one and at the time the emancipation proclamation was issued she was the property of my father. I suppose Mrs. Summers was a citizen of the State of Texas. My father never sold any of his slaves. I have never seen this colored woman since the war.

CROSS EXAMINATION BY MR. LAVENPORT:

My sister, Mrs. Summers, had taken a number of my father's slaves to Texas several years before the war. When Mrs. Summers left the Cherokee Nation for Texas, she was then a recognized citizen of the Cherokee Nation. My sister Mrs. Summers made her home in Texas from the time she moved there before the war until 1863; soon after her return, she died and her son Joe Summers was readmitted by the tribal authorities. The applicant whom I knew as Katie Vann was in the state of Texas, living with my sister in Texas when the civil war came

up. I dont now if she ever returned to the Cherokee Nation. There were several of thee stopped in the Creek, Choctaw and Chickasaw Nations. I have never seen the applicant since she went to Texas before the war. My father never had applicant hired to McCurtain or anyone else in the Choctaw Nation. She was taken direct to Texas from the Cherokee Nation and since the war I have heard of her living in the Choctaw and Creek Nations.

PER DIRECT EXAMINATION, BY LEWIS T. BROWN:

These slaves were taken to Texas to work on Mrs. Sumners Farm. My father receive no compensation for their labor there. I do not know of my own personal knowledge where the applicant has lived since the close of the war.

RECROSS EXAMINATION---

I dont think she ever returned to the Cherokee Nation.

RETR.

It is possible she could have returned to the Cherokee Nation after the close of the war and lived without my knowledge. I was living in the town of Fort Gibson in 1864, but have not lived there since. I have been back and forth through the town since 1864.

(signed) L. F. Archer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Mustossee, I. T., January 14, 1904.

I, the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing, and that the same is a true and correct copy of a deposition now on file in Cherokee freedmen D-1047.

Wm. E. Hill

Sworn to and subscribed before me this the 14th day of January, 1904.

Edward Morris
Notary Public.

COPY.

W.J.S.

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

In the matter of the application for the enrollment of Katie Kernel et. al., as Cherokee freedmen, consolidating the applications of:

Katie Kernel	Cherokee Freedmen	D-1047
Henry Henderson	"	" D-1048
Mary Carson	"	" D-1060
Samuel McCurtain	"	" D-1061

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Katie Kernel for herself; by Henry Henderson for himself; by Mary Carson for herself, and by Samuel McCurtain for himself.

The evidence shows that Katie Kernel is the mother of the other applicants in this case and that she was the slave of a Cherokee citizen at the commencement of the rebellion. It is further shown that during said rebellion she and her three children, applicants herein, were living outside the Cherokee Nation, but returned to said Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc, vs Cherokee Nation et al., for the return of freedmen.

The evidence further shows that since their return to the Cherokee Nation they have lived continuously within the boundaries of the Five Civilized Tribes.

It is, therefore, the opinion of this Commission that Katie Kernel, Henry Henderson, Mary Carson and Samuel

McGurtain should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(signed) W. E. Stanley,
Commissioner.

Dated at Muskogee, Indian Territory,
this MAR-5 1904.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Kernal, et al as Cherokee Freedmen, consolidating the applications of:

Katie Kernal et al F. D. 1047
Henry Henderson F. D. 1048
Mary Carson F. D. 1060
Samuel McCurtain F. D. 1061.

Protest.

The Cherokee Nation respectfully protests against the decision of the Commission in this case and asks that the record of proceedings be forwarded to the Honorable Secretary of the Interior for Review.

Respectfully,

W W Hastings
Attorney for the Cherokee Nation

2000
MAY 10

[Handwritten signature]
— THE MUSEUM

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D 1047, et al

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Katie Kernel, et al., granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain as Cherokee freedmen.

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

Respectfully,

Encl. V-25.

Chairman.

Cherokee Freedman
D-1047.

Muskogee, Indian Territory, June 30, 1904.

Katie Kernel,
Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the
Commission's decision, dated March 5, 1904, granting among
others your application for enrollment as a Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. L-25.

Register.

Cherokee Freedmen
D-1047-1048-1060

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,

Agent for Katie Kernal, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed copies of the
Commissioner's decision, dated March 5, 1904, granting among
others, the applications for enrollment of Katie Kernal,
Henry Henderson and Mary Garson, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-29.

Register.

COMMISSIONERS
JAMES BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BRALL,
Secretary

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

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen

D-1047.

Muskogee, Indian Territory, August 17, 1904.

Katie Kernel,

Muskogee, Indian Territory.

Dear Madam:

On June 30, 1904, there was forwarded to you a copy of the Commission's decision, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman. On the same day there was forwarded to your agent, Louis T. Brown, Vinita, Indian Territory, a copy of said decision, said agent having been heretofore furnished with a copy of the record of proceedings.

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

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

Respectfully,



Commissioner in Charge.

COPIES

Cherokee Freedmen

D-1047-1048-1060.

Muskogee, Indian Territory, August 17, 1904.

Louis T. Brown,

Agent for Katie Kernel, et al.,

Tablequah, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded to you a copy of the Commission's decision, dated March 5, 1904, granting, among others, the applications for the enrollment of Katie Kernel, Henry Henderson and Mary Carson as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Katie Kernel, Muskogee, Indian Territory, by the attorney for the Nation.

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

Respectfully,

T. B. Needles.

Commissioner in Charge.

Cherokee Freedmen

D-1047-1048-1060-

1065.

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Katie Kernel, et al., including the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain as Cherokee freedmen.

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

Respectfully,

Encl. S-87.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enclos.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply to
the following:

WASHINGTON, Sept. 17, 1904.

Land.

57361-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Kernel for herself; by Henry Henderson for himself; by Mary Carson for herself; and by Samuel McCurtain for himself.

The record shows that Katie Kernel is the mother of the other applicants and that she was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she and her three children, applicants herein, were living outside of the Cherokee Nation, and that they all returned to the Nation on or before February 11, 1867.

The protest against the decision of the Commission has been carefully considered.

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

Very respectfully,

A. C. TONNER,

Acting Commissioner.

M.M. M.
L.

(C O P Y)

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FHE

D. C. 36219-1904 DEPARTMENT OF THE INTERIOR,

I. T. D. 7584-1904 WASHINGTON, September 24, 1904.

Y.P.

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

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Katie Kernel, et al, including your decision of March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain.

Reporting in the matter September 17, 1904, the Acting Commission of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D-1047 et al

Muskogee, Indian Territory, October 25, 1904.

Louis T. Brown,
Attorney for Katie Kernel, et al.,
Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, the applications for the enrollment of Katie Kernel, Henry Henderson and Mary Carson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

Chairman.

Cherokee freedmen
D 1047

Muskogee, Indian Territory, October 25, 1904.

Katie Kernel,

Muskogee, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

James Dixey
Chairman.

Cherokee Freedmen
D-1047 et al

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Katie Kernel, Henry Henderson, Mary Carson and Samuel McCurtain, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

James Dixie
Chairman.

COMMISSIONERS:
TAMM RIXBY,
THOMAS E. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

C. F. 1403

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1904.

Natie Kernel,

Muskogee, I. T.,

Dear Sir:

You are hereby advised that the name of yourself

appear upon a partial roll of Cherokee

freedmen approved by the Secretary of the Interior on November
16, 1904 .

You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,


Chairman.

Cher Fr 1404

Cher Fr 1404

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Dallas Beck for enrollment
as a Cherokee Freedman.

Appearances:

Hellotte & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Dallas Beck, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Dallas Beck.
Q How old are you? A 28.
Q What is your postoffice? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Is your name on the roll of 1880? A Yes, sir.
Q What is your father's name? A Maryland Beck.
Q You say your name is on the roll of 1880? A I don't know sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Elisa Whitmire.
Q Is she a citizen? A Yes, sir.
Q Has she been enrolled? A Yes, sir.
Q What is your mother's name? A Abie Beck.
Q Where were you born? A On Big Creek.
Q What Nation? A Cooweescoowee.
Q Well, what Nation? A Big Creek.
Q Big Creek Nation? A Yes, sir.
Q Ever hear of the Cherokee Nation? A Yes, sir.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q You lived in the Cherokee Nation all your life? A Yes, sir.
Q Have you any children? A No, sir.
Q Did you draw what is known as the Kern-Clifton strip money?
Q Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.
The Kern-Clifton roll examined and the applicant identified
thereon, page 137, No. 3413, Cooweescoowee district;
The Wallace roll examined, and the applicant identified
thereon, page 99, No. 2117, Illinois district.
Q You claim your citizenship through your father or mother? A Yes
sir, claim by both.
Mr. Smith: What is your father's name? A Maryland Beck.
Q Is he the same Maryland Beck who applied here the other night
for enrollment? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Ever live out of it? A No, sir.

Commissioner: Dallas Beck applies for the enrollment of
himself. He cannot be identified upon the authenticated roll
of 1880 or the census roll of 1896. He is identified upon
the Kern-Clifton and Wallace roll according to page and
number of the roll as indicated in the testimony. He makes
satisfactory proof as to his residence. He avers that he is
the child of Maryland Beck, who is listed for enrollment on
D card 684, and the testimony taken in the applicant of
said Maryland Beck will be made part of the record in the
case at bar, and a copy thereof filed herewith. Said Dallas

Dallas Beck - 2.

Beck will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the action of the Commission in the premises.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of July, 1901.



Commissioner.

(B)

70919

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
JUN 28 1901


SPECIAL AGENT IN CHARGE

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 2, 1884*
Post Office *Ruby St.*
District *no*

1. Name *Katias Beck* Age *22*
Owner's name _____ Citizenship _____
Year *1883* Page *37* No. *343* District *no*

Parents:
Father *Marland Beck* Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- 3. Year _____ Page _____ No. _____ Dist. _____
- 4. Year _____ Page _____ No. _____ Dist. _____
- 5. Year _____ Page _____ No. _____ Dist. _____
- 6. Year _____ Page _____ No. _____ Dist. _____
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

Robert Beck

Application made by _____ Stenographer *Beane*

In Challenge roll, Page 99 & 2, 17 - 22

X Reg 19884

Represented by Mellette and Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Maryland Beck for the enrollment of himself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

- Q What is your name? A Maryland Beck.
Q What is your age? A 58 or 9.
Q What is your postoffice? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and 5 children.
Q Are your five children under age and unmarried? A No sir.
Q Give me the names of those under age and not married? A Ida and Harvey.
Q Ida Beck? A Yes sir.
Q How old is Ida? A 12 years old.
Q How old is Harvey? A 10 years old.
Q Any others? A Yes, my other grown children.
Q You have just two not grown? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Minnie Beck.
Q Is she a citizen? A Yes, sir.
Q Has she been enrolled? A Yes, sir.
Q Is her name on the 1880 roll? A Yes, sir.
Q Why didn't she enroll these children? A They are not hers.
Q She is not the mother of them? A No sir.
Q How many times have you been married? A 3 times.
Q What was your first wife's name? A Ibbie Mays.
Q Is she living? A No, sir.
Q What was your second wife's name? A Mary Beck.
Q What was her name before you married her? A Mary Lett.
Q What is your wife's name? A Minnie.
Q What was her name before you married her? A Minnie Sanders.
Q Who is the mother of Ida Beck? A Mary Lett.
Q Who is the mother of Harvey Beck? A Mary.
By Mr. Smith:
Q Mr. Beck, who are your witnesses? A Sam Webber, Allen Lynch, Jack Landrum, John Baldrige.
Q Mr. Beck, were you a slave before the war? A Yes sir.
Q Where did you live? A I live in the Cherokee Nation.
Q Where were you living when the war came up? A I was living in Delaware district in the Cherokee Nation.
Q Who was your owner? A Joseph Beck.
Q Was Joseph Beck a Cherokee Indian? A Yes sir.
Q Was he a Cherokee Indian bynblood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes sir.
Q Did you go out of the Cherokee Nation during the war or remain here? A I remained here.
Q Where were you in 1866? A I was at Ft. Gibson.
Q Were you at Ft. Gibson during all the year of 1866? A No sir.
Q Where were you the rest of the time? A I was up on Big Creek, where I live.
Q Where did you stay during the war? A I stayed at Ft. Gibson.
Q How much of 1866 did you spend at Ft. Gibson? A —
Q By Com'r Needles: Ft. Gibson in the Cherokee Nation? A Yes sir.

Answer to Mr. Smith's last question: I spent there from the spring to fall.

Q What time did you go to Big Creek? A In the early part of the fall.

Q Where were you during all the time of the war? A I was at Ft. Gibson.

Q What were you doing down there? A I stayed there.

Q Did you do any kind of work? A Yes sir, I teamed some for the Government.

Q How old are you now? A I am 58 or 9 I guess.

Q Have you any children older than the ones you have applied for here, Ida and Harvey? A Yes sir.

Q Who are they? A Oldest is Lottie.

Q What's her name now? A Lottie Pack.

Q Where does she live? A She lives here in the Nation.

Q Where was she born? A She was born up on Big Creek.

Q In the Cherokee Nation? A Yes sir.

Q Where has she lived all the time? A Lived here in the Nation.

Q Any others except Lottie? A Next oldest is Bennie.

Q Where does Ben live? A He lives with me.

Q Married or single? A He is single.

Q Well then who else? A Another boy lives with me, he is married.

Q What is his name? A Dallas.

Q Has he any children? A No, sir.

Q Who was the mother of these children, that is these that you have just mentioned? A Ibbie Mays.

Q The mother of these three grown children? A Yes sir.

Q Who is the mother of these 2 you have just applied for? A Mary Lett, Mary Beck I call her.

Q Mary Lett was her maiden name? A Yes, sir.

Q Were you married to Mary Lett? A Yes sir.

Q Where were you married to her? A On Big Creek.

Q Have you any certificate of your marriage to her? A No sir.

Q Who married you? A Sam Webber.

Q Did you have any license or did you just marry? A No sir, we just married.

Q Well, at that time what had become of your wife Ibbie, or was Ibbie ever your wife, the mother of the grown children? A She was dead.

Q Did she die before you married Mary? A Yes sir.

Q Were you married to Ibbie? A Yes sir.

Q Have any license? A No sir.

Q When were you married to her? A I was married there on Big Cree

Q When I said? A Late in the fall of '66.

Q In the fall of '66? A Yes sir.

Q Who married you and Ibbie? A Webber.

Q Have any license or just married? A Just married.

Q Who did you say is on the 1880 roll, your present wife? A Yes sir.

Q What is her name? A Minnie.

Q Where is Mary, the mother of Ida and Harvey? A She is in Missouri somewhere.

Q You and she separated? A Yes, sir.

Q Your first wife was dead however before you married this woman Mary? A Yes sir.

Q Where are these children, Ida and Harvey, with you? A Harvey is with me, and Ida is with her.

Q Does your wife live in Missouri? A Yes sir.

Q That is, your former wife, Mary? A Yes, sir.

Q Are you on any of the rolls of the Cherokee Nation? A I am on the Kern-Gilberton Roll and the Wallace Roll.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on page 137 #3411 Maryland Beck, Coowesscoowee District; Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 99 #2112 Maryland Beck, Illinois District; Kern-Clifton pay roll of citizens of the Cherokee Nation, page 137 #3415 Ida Beck, Coowesscoowee District; page 137 #3416 Harvey Beck, Coowesscoowee District.

By Com'r Needles:

- Q Have you any children by your present wife? A No sir.
Q You say she is on the 1880 roll? A Yes sir.
Q You apply for her? A She has done applied.
Q Ibbie Ways was dead before you married Mary Lett? A Yes sir.
Q Mary Lett a citizen? A No sir.
Q She is a non citizen? A Yes sir.
Q You don't apply for her then? A No sir.
Q Where do I understand you to say you were in the year '66?
A Ft. Gibson.
Q You never went out of the Cherokee Nation then before '66?
A No sir.
Q And was here during the year at Ft. Gibson in the Cherokee Nation?
A Yes sir.
Q Where was you in 1867? A I was here on Big Creek, in '67.
Q In the Cherokee Nation? A Yes sir.
Q Have you lived continuously in the Cherokee Nation from that time until this? A Yes sir.
Q Never lived out of it? A No sir.
Q Why aint your name on the roll of 1880? A They wouldn't put it on.

By Mr. Hastings:

- Q Maryland, what part of the Cherokee Nation did you live in before the war? A I lived in Delaware District.
Q Joe Beck have a wife? A Yes sir.
Q What was her name? A Cynthia.
Q He have any family? A Yes sir.
Q What are some of his family named? A Oldest boy was named Ed, Dud, Luge, Polly, Ary.
Q Did you know Zeke Beck before the war? A Yes sir.
Q How far did he live from you? A About 2 miles.
Q You applied to the Bob Daniels Court in '71 for enrollment didnt you? A Yes sir.
Q You have your witnesses there then? A Yes sir.
Q The court refused to enroll you didn't it? A Yes sir, it did not do it.
Q You applied to the Kern-Clifton Commission? A Yes sir.
Q At that time you said that you had been in Kansas during the war didn't you? A No sir.
Q Didn't you state at that time that you came from Ft. Leavenworth after the war to Ft. Gibson? A No sir.
Q Didn't you state that you came back from there, but was sent to Ft. Gibson from Ft. Leavenworth? A No sir.
Q You deny then that you had been in Kansas all during the war?
A I stayed that while I was driving a Government team I went on a trip to to Leavenworth and back to Ft. Gibson.
Q How long were you in Kansas? A Generally made a trip in about 60 days.
Q Did you live in the town of Ft. Gibson through the war? A Yes sir
Q Right in the town? A ~~Yakkisaw~~ Yes, well part of the time in town.
Q And where the rest of the time? A Right out in the edge of town where my daddy lived.
Q You lived with him then during the war? A Yes sir, when I wasn't

at work, I stopped there.

Q Did you tell the Kerns-Clifton Commission that you has remained there with your father during the war? A Yes sir.

Q Did you introduce any witnesses at all before the Kerns-Clifton Commission? A Yes sir.

Q Who did you introduce? A I introduced Jack Landrum, Allen Lynch Simon Lynch.

Q They went in and made statements did they? A No sir, they wasn't called.

Q They didnt testify before it? A No sir.

Q You say Sam Webber married you to your first wife? A His father.

Q That was in the fall of '66? A In the winter.

Q Was it before or after Christmas? A It was after Christmas.

Q About how long after Christmas? A Sometime in January I guess.

Q Don't you know? A No, it was after, I don't know exactly.

Q What was your first wife's name? A Ibbie Mays.

Q Whose daughter was she? A She was David Mays' daughter.

Q How long after you were married until your first child was born?

Q First child was born in October, I think, '67.

Q What was that child's name? A Lottie Pack.

Q Is she alive? A Yes, sir.

Q ~~There~~ Was she born on Big Creek? A Yes sir.

Q Where were you living at that time? A Living there on Big Creek.

Q Had you a place there at that time? A Yes sir.

Q Was that the first place you made on Big Creek? A Yes sir.

Q When did you ~~ake~~ take that place? A I commenced it in the fall, early part of the fall of '66.

Q Before you were married? A Yes sir.

Q How far does Jim Martin live from you? A Jim Martin is living about, well I guess it must be a mile and a half, maybe 2 miles.

Q Was he living there at that time? A No sir.

Q About how long after you got there until he came? A I had been there I think about a year.

Q How far are you from the Kansas line? A It is about 20 miles I guess to the nearest part.

Q How far do you live from Sam Webber? A Now?

Q No, then; how far did you, live? A About 2 miles.

Q You located within 3 miles of Sam Webber did you? A Yes sir.

Q When did you first see Allen Lynch after the war? A I saw him first at Ft. Gibson right after the war.

Q Who married you to your second wife? A Young Sam Webber.

Q What was your second wife's maiden name, Lett? A Lett.

Q You married her on Big Creek? A Yes sir.

Q About what year? A I don't remember just about the year.

Q You and she were separated? A Yes sir.

Q How long did you live with her? A About three or four years.

Q You had two children born to you? A Yes, sir.

Q How long until she moved out of the country after you separated?

A It ~~may~~ have been 6 months, probably might be a year.

Q You wasn't in the army during the war? A No further than a teamster.

Q Was Sam Webber living up there when you first went up there from Ft. Gibson? A Yes sir.

Q What time of the year did you go up there? A It was in the fall.

Q About what time in the fall? A Pretty early.

Q As early as September? A Between September and October, somewhere along in there.

Q Who else was living around up in there at that time? A There was quite a lot of them, I don't know all of them.

Q Peter Ward living up there at that time? A I don't know, I wont be positive whether he was or not.

- Q Name some of the rest of your neighbors besides Sam Webber?
A Peter Meigs lived there and the Sanders and Whitmires.
Q You say you have one child with your second wife in Missouri?
A Two.
Q One child though still in Missouri? A Yes sir.
Q It went with its mother? A Yes sir.
Q Been living with its mother? A Yes sir.
By Com'r Needles:
Q You say you are separated from Mary Lett are you? A Yes sir.
Q Get a divorce from her? A No sir.
Q Was Ida Beck and Harvey Beck born while you were living with Mary Lett? A Yes sir.
Q Were they both born in the Cherokee Nation? A Yes sir.
Q Harvey is living now in Missouri? A No, Ida.
Q With her mother? A Yes sir.
Q How long has she been living there? A She has been there about all the time her mother had.
Q Well how long has her mother been there? A She has been there about going on 12 years now.
Q She came very near being born there didn't she, she is only 12 years old? A No, she went since she was born.

ALLEN LYNCH, being sworn by Com'r Needles, testified as follows:
By Mr. Smith:

- Q State your name? A Allen Lynch.
Q What is your age? A 61 years old.
Q Where do you live? A I live in Vinita.
Q How long have you lived in the Cherokee Nation? A Well, I have been here all the time only when I was out in the army.
Q Lived here all your life? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Recognized citizen? A Yes sir.
Q Do you know this applicant, Maryland Beck? A Yes sir.
Q How long have you known him? A I knowed him 5 or 6 years before the war.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Joe Beck.
Q Was Joe Beck a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Were you out of the Nation yourself during the war? A I was in the army, yes sir.
Q What year did you leave the Cherokee Nation? A I believe I left here in July '62 if I make no mistake.
Q When did you return after the war? A I come back here in February, '66.
Q Were you out of the Cherokee Nation all of the time from the time you went out until you returned? A Yes sir.
Q Were not back in the Nation at any time? A I was back in the Nation during the war when the army was here.
Q Where was this applicant when the war commenced? A He was on Long Prairie.
Q In the Cherokee Nation? A Yes sir.
Q Where did Joe Beck live? A Lived up on Long Prairie; this side of Long Prairie a ways.
Q When did you first see Maryland Beck after you returned here in '66? A First time I saw him was along in the spring of '66, I couldn't tell exactly.
Q You had been here yourself about how long when you saw him? A I come here in February, I guess it must have been May or June when I saw him.
Q Where did you see him? A At Ft. Gibson.
Q When did you see him then? A First time I saw him I believe

I saw him on Grand River after I saw him at Gibson.

Q Have you seen him a few times or often since that time?

A Yes sir I have seen him pretty often.

Q Where has he been living? A On Big Creek.

Q You know where he lives now? A Yes sir.

Q How long has he been living there? A I don't know just how long he had been living where he lives now, but he lived ext to the Creek from where he is living now when I used to go to see him, when I used to be over in there, but he has moved about a mile or a mile and a half, maybe 2 miles further.

Q How long has it been since you first knew of his living on Big Creek? A It has been about 25 or 6 years, 25 years.

Q Do you know Mary Lett? A His wife?

Q Yes? A No sir, I didn't know his wife.

Q Have you ever been to his house during the time that he and Mary were living together? A No sir. I never went to his house while they were living together, I know where his house was, and passed by there, but I always made my stopping place at Dan Sanders.'

Q Did you ever see them together during the time he was living together? A Yes sir, I saw them together there at his place about 25 or 5 years ago, but I wasn't particular acquainted with her.

Q Do you know whether they were man and wife or not, or whether they lived as man and wife or not? A No sir, I don't.

Q How far was that from where you lived? A I lived then on Grand river.

By Mr. Hastings:

Q Where did you live before the war? A I lived on Grand river.

Q Where did this man live before the war? A On Long Prairie.

Q How far was that from where you lived? A It must have been nearly 30 miles.

Q What was his owner's name? A Joe Beck, or Jeff Beck; I was acquainted with his mother and his father, and all of his folks.

Q Did you know which one owned this man? A Joe Beck, is the one I think owned him.

Q Are you certain? A I am not certain whether it was Joe Beck or Jeff Beck, but I know the folks.

Q Have you been to their house before the war? A Yes sir.

Q What sort of a house did they live in? A They lived in a hut, log house when I used to go there.

Q How long before the war was that? A 6 or 7 or 8 years; that used to be my route to go in to Hog Eye, what we called "Hog Eye," to our whiskey.

Q It has been 6 or 8 years before the war the last time you were over there? A No, it wasn't the last time I was over there, I was there time the troops was over there.

Q Well you mean before the war? A I think it was about 3 or 4 years before the war after that I was up there.

Q You know what his mistress' name was? A No I don't remember just what her name was.

Q You know any other members of the family? A There was Sutt Beck.

Q Well some one of ~~xxx~~ his young masters? A Yes sir, there was Sutt Beck and I believe Head Beck, I don't recollect just what their names was.

Q That was his young master? A That is the ones he called his young master.

Q They were living there at that time? A Before the war?

Q Yes? A Yes sir, they was there before the war.

Q Sutt Beck and Head Beck brothers? A I couldn't tell you whether they are brothers or not, all of them Becks lives right in there, we used to go up in there and I knowed them all by name.

Q Doubt log house was that? A I don't recollect just now how the house was made.

Q You don't know whether it was boxed up or not? A I don't think it was.

Q First time after the war where was it you saw this party, the applicant? A First time I saw him I met him right there at the river, him and his father right there at the ford of the river where they run the boat across the river at Gibson.

Q That Grand River? A Yes sir, that's the first place I saw him after the war.

Q How old was he at that time? A I couldn't tell you how old he was, he was big enough to do good work.

Q Was he grown? A He was a young man.

Q You know, whether he was married at that time or not? A No sir, I don't.

Q Did you see his wife then? A No sir I didn't.

Q About what time in the year was that? A Well, sir, it was, if I recollect right, it was either in May or June, along there. It was along in the spring.

Q He driving a team was he? A No sir.

Q What was he doing? A Him and his father was standing on the bank of the river, and some other parties when we come across.

Q When did you next see him? A Next time I saw him was about a year after that I reckon, or a year and a half.

Q Where did you next see him? A Up on Grand River at Simon Lynch's.

Q You know where he came from at that time? A No sir, I didn't ask him.

Q You know where he was living at that time? A No, I don't believe I asked him where he was living.

Q You know whether he was married at that time? A No sir, I don't know.

Q Was any one else with him and his father when you saw them?

A Yes sir, there was two or three women with them, one of them was Sindy Beck, used to be Guss Buffington's wife, and Nancy Taylor over here.

Q Who was with him at Simon Lynch's? A Let's see now who was with him, I don't remember who was with him; I don't remember only I saw him and two or three with him.

Q How long after that until you saw him again? A Well I didn't see him then for 6 or 7 years, it might have been longer and might not have been so long.

Q You wasn't a witness for him before the Kern-Clifton Commission?

A No sir, he didn't have any I don't think; he asked me to witness for him and I told him I would.

Q You didn't go in and testify? A I don't think I did.

Q You know whether he had any witnesses at all or not? A No sir, I don't know.

Q We had about the same sort of investigation as we have now, witnesses came in and testified? A Yes, sir.

Q ~~You wasn't there~~ And took down what they said? A Yes sir.

Q You remember of seeing him down before the Bob Daniels court?

A I wasn't there.

Q You wasn't there? A No sir, I didn't go.

Q Then it was 6 or 7 years after that that you next saw him? A Yes sir, I didn't see him until after we moved on Big Creek.

Q You wasn't at his house in Ft. Gibson? A No sir.

Q Who was with you at that time? A Me and James Ragsdale and Art Williams.

SAM WEBBER, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A 2 miles west of here.

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

Q Do you know this applicant, Maryland Beck?

A Yes sir.

Q How long have you known him? A I got acquainted with him since the war.

Q Where did you first get acquainted with him? A On Big Creek.

Q When? A Along sometime late in the fall of '86 he come there.

Q Came to where? A Big Creek, Cherokee Nation.

Q At what place did you see him on Big Creek, near what place was it, whose house or where was it? A He was to my house and around at other houses that was there, people lived there.

Q How long did he remain up there about Big Creek? A He just stayed there after he come back.

Q Who came with him? A An old fellow we used to call Uncle Coo-sack, goes by John Baldrige now.

Q You know where Maryland lives now? A He lives there on Big Creek

Q How far from you? A It is about 12 or 15 miles, I guess, over there.

Q How long has he been living in the neighborhood? A Ever since he settled there.

Q Ever since the fall of '66? A Yes sir.

By Com't Needles:

Q Do you know his wife, Mary? A Yes sir, I got acquainted with her

By Mr. Smith:

Q Did you know whether he and Mary were married or not? A Yes sir, I married them.

Q Where did you marry them? A Right at his house.

Q When, you know about how many years ago? A Not exactly, it has been a good while ago though.

Q You know whether he and Mary has any children or not? A They had one child when I was there last. Saw the child and the woman last

Q One when you saw them last? A Yes sir, when I saw her last she had one child then.

Q Did she go away from here? A Yes sir, I heard she left, I aint saw her since.

Q How long before she left was it before you saw her? A It was quite a little but before she went that I saw her.

By Com'r Needles:

Q Do you know how long they lived together as man and wife? A I don't know whether it was 2 years or 3 years.

Q You know how many children they had born to them? A I heard she had another one, I don't know.

Q You only saw one? A Yes sir, I only saw one.

Q You don't recollect about what year it was you married them?

A I couldn't tell exactly just what year it was.

By Mr. Hastings:

Q What was her maiden name? A I don't know what her maiden name was, she was a widow, her husband died there, she was a Lett.

Q Did she have some children by her first husband? A Yes sir.

Q How many? A I couldn't tell you that, I don't know, there was two or three to my knowledge, I don't know exactly.

Q You don't know whether they were boys or girls? A No sir, I don't; they was little things, small children, I couldn't tell you.

Q Was her first husband dead at that time? A Yes sir, he died there right on the Creek.

Q You know what year he died? A No sir, I don't; it was along in August though, we was holding association there when he died, but I don't know what year it was.

Q You don't know what year you married this man? A Can't tell exactly, it has been right smart little bit ago.

Q It has been a good while since he came up to that country too?

A Yes sir.

Q But you have a distinct recollection when he first came there?

A Yes sir, we was glad to see anybody come.

Q He was a stranger to you? A Yes sir.

Q What was his first wife's name, was that his first wife?

A No, sir.

Q What was her name? A Ibbie.

Q Ibbie what? A Mays I guess; her daddy was Mays.

Q What was her daddy's first name? A Dave Mays.

Q Was she living there when Maryland came up there? A I believe she was, I aint right certain, I don't know whether he got there first or they got there first.

Q Where did he marry her? A He married her there on Big Creek.

Q You know how long after he came up until he married her? A No sir, not exactly.

Q As much as a year? A I couldn't answer that, because I never paid much attention, I was working out a good deal right then, I had to make something.

Q Was you a witness for Maryland Beck 5 years ago, before the Kern-Clifton court? A No sir.

Q Were you down before what is known as the Bob Daniels court in '71? A Yes sir, I was down there.

Q Did you see Maryland Beck down there? A I think I did, and I whole lot more.

Q Did you witness for him down there before that court? A No sir, I don't think I did.

Q How far from you on Big Creek did he locate? A Some two or three miles.

Q Made a place there? A Yes sir, made a place.

Q How far was Jim Martin living from him at that time? A Little over a half a mile, or nearly a mile I reckon.

Q Did he continue to live there? A Who?

Q Maryland Beck? A Yes sir, Jim Martin bought a place just below Beck's when he come in.

Q How long after that until Jim Martin came? A Jim Martin brought 31 head of cattle there in the fall of '67 and left them, ad we put up hay for them, and left and moved back in '68.

Q And Maryland Beck was living there at that time? A Yes sir.

By Mr. Smith:

Q You were asked about as to whether you testified for this applicant before the Bob Daniels court, did you see anybody testify for him before the Bob Daniels court? A No sir.

Q Do you know whether he ever had any trial at the Bob Daniels court or not? A He didn't have any as I know of.

Q You say you saw quite a number of people there at the Bob Daniels court? A Yes sir.

Q What were you doing there? A We saw piece in the papers where they was calling us down there and we made up a big crowd and went there.

Q What did you do when you got there? A My father and another one or two made applications there and of course they admitted them some way, I couldn't tell you how, I was admitted at the same time, but I can't tell you how it was done really.

Q Do you know how many of these people made applications? A I believe Harry Still my father and Charley Campbell and my brother Johnson, was admitted all at the same time, but they couldn't find his name on the roll through they say over youn~~car~~.

Q So far as Maryland Beck is concerned, you don't know whether he had any trial at all or not? A They didn't try all of them I believe.

By Mr. Hastings:

Q You know whether they tried his case at all or not? A They didn't try all of them, they didn't try his case that day.

Q Are you willing to say they didn't try his case? A If they did I didn't see them.

Q Well you don't know then? A No sir.

JOHN LANDRUM, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A John Landrum.

Q What is your age? A 59.

Q Where do you live? A On Lightning Creek.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, Maryland Beck? A Yes sir.

Q How long have you known him? A Been knowing him before the war, when we was boys. Little children you might say.

Q Did you go out of the Cherokee Nation during the war or not, yourself? A No sir, I didn't go out myself.

Q Where were you during the war? A I went out with the soldiers.

Q You didn't go out yourself, you just went out with the soldiers?

A No sir.

Q When did you get back to the Cherokee Nation? A I got back in '66 in the fall.

Q When did you first see Maryland Beck after you got back? A I saw him in Gibson.

Q When? A In '65.

Q What were you doing in Gibson in '65? A I helped haul the Creek Indians from Kansas down to Gibson to their country, the Creek darkies I mean, some of them, a few that was left.

Q Then where did you go after you made that trip? A Went back to Kansas.

Q And then when did you come back to the Cherokee Nation? A In '66.

Q Well how long after you came back here in '66 before you saw Beck?

A After I come back from -

Q From Kansas here, after you came back in '66 did you see him any time after that? A Yes sir.

Q Where did you see him then the next time? A I saw him up on Big Creek.

Q When was that? A I think it was, yes it was in '67, if I aint mistaken, somewheres along there.

Q You know where he lives ~~there~~ now? A Yes sir.

Q Where? A On Big Creek.

Q How long has he been living there? A Ever since he moved there, he has never been away from there to my knowing.

Q When did he move there? A I don't know, when I saw him he was there.

~~xx~~

By Mr. Hastings:

Q Where was he at in '65 when you saw him? A At Gibson. Right on the bank of the river, when we drove up and stopped to camp right at the boat landing.

Q Just standing there? A Yes sir. By the side of his daddy.

Q Was Allen Lynch down there at that time? A He wasn't with me.

Q Did you see him in Ft. Gibson at that time? A He was there after we located to camp he came there in camp.

Q ~~that~~ And you saw him? A Yes sir, I saw him there.

Q What time in '65 was that? A I couldn't tell you just what time it was.

Q Spring or fall or summer? A It was along up in the summer.

Q How many Creek darkies did you take down there? A I took down a couple of families, well I had a man and his family and 2 daughters.

Q What was his name? A One of them was named Tecumseh Barnett.

Q What was his wife's name? A I forget his wife's name, I wasn't acquainted with them good enough to remember from that time, it was so long.

Q What was his daughter's name? A One of them I think was named Hangah, I think they called one of them, that's about all I remember of the occurrence.

Q From what place in Kansas did you take them? A Leroy.

Q When were you discharged as a soldier? A Why I wasn't a regular soldier, when they first got up a recruiting office, you know when we first went from the Territory here and was turned loose, freed as they called it, they turned us a loose there at Ft. Scott and then we vanished off to shift for ourselves and we went to Mound City

Q Was that when you was discharged at Ft. Scott? A No sir.

Q Was you in the regular army? A No sir. When we was carried ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ out of here by the soldiers, I mean we was turned loose there at Ft. Scott.

Q And you continued to work at Mound City did you? A That's where we went to make a living you know.

Q Were you at Mound City in the spring of '65? A No sir.

Q Where were you in the spring of '65? A I was at Leroy.

Q And these Creek darlies were all up there? A Yes, sir, they was at Leroy.

Q And you turned them a loose at Ft. Gibson? A Yes sir, that's where we left them.

Q Were you at this man's home in Ft. Gibson at that time? A No sir. He didn't have ny place then; he was just a young boy, stopping I guess with his daddy.

Q About how old washe?, A I couldn't tell you.

Q How old did he look to be? A I, couldn't tell you anything about his age.

Q Was he 10 years old? A Oh he was over that.

Q What was his master's name? A Joe Beck.

Q Where did Joe live before the war? A He lived the other side of Long Prairie.

Q Was you ever at their house? A Yes sir, lots of times.

Q How long before the war was it? A I couldn't tell you, it was a long time.

Q As much as ten years? A Yes. We was just small boys then.

Q Was as much as ten years before the war? A I expect, maybe more, it was a good while.

Q You hadn't seen him then up until '65? A Yes sir.

Q Next time you saw him was in '67? A Yes, sir, on Big Creek.

Q Did he have a place up here then? A Yes sir.

Q How far was he living then from where he lives now? A I don't know, about half a mile, hardly that far.

Q You know whether he was married? A I guess he was married on Big Creek. He was married when I saw him there.

Q Was he married when you saw him at Ft. Gibson? A No sir.

Q Didn't have a wife at that time? A No sir.

Q You testified in the George Thompson case? A No sir.

Q Didn't you testify for Alfred Bell? A Yes sir.

Q You said you saw him in '66 here? A Yes sir.

Q What time do you think you saw him? A It was in '67.

Q What time in '67? A --

Mr. Smith: If the Court pleases, I object to this.

By Com'r Needles: Well it goes to test the witness I think.

By Mr. Hastings:

Q About what time was it? A I think it was in January, it was so said to be January by the people who know better than I do.

Q You don't know about the months? A Not exactly, of course I ~~don't~~ know them, and I am getting old, I forget them; if I don't put down the dates I forget them.

Q How about the years, do you ever forget them? A I sometimes, I have to take time to study for it though.

Q You didn't witness for this man before the Kern-Clifton court did you? A Yes sir, I think I did.

Q You came in and were sworn and made a statement before the Kern-Clifton court in his behalf did you or not? A Yes sir.

Q You told then you saw him in '65 down there did you? A They never asked me nothing of that kind.

Q But you did make a statement? A Yes sir, but they never asked me any questions hardly at all, just asked me did I know him and who he belonged to and what time he went out and how we went out.

Applicant, MARYLAND BECK, recalled and further examined:

By Mr. Hastings:

Q How long did you and your second wife Mary Lett live together?
 A Somewheres between 3 and 4 years.
 Q How many children did she have when you married her? A She had 3
 Q What are their names? A Etta and Quill.
 Q She have any others? A Yes sir.
 Q How long after you married her until this child for whom you make application was born? A Oh I don't know, it might have been a year probably.

Q Was that second child born while you were living together as husband and wife? A Yes sir.

Q How long did she remain in the neighborhood after you separated?
 A She stayed there pretty near one summer, winter.

Q And then she left? A Yes sir.

Q She take both of these children with her? A Yes sir.

Q Both of them living with her yet? A No sir.

Q When did you get this child back for whom you make application?
 A He has been with me a good while, the boy.

Q How long? A He has been with me a couple or three months.

Q How old is he now? A He is 10 years old.

Q Where did he come from? A Come from Springfield.

Q The other child is in Springfield now? A Yes sir.

By Com'r Needles:

Q Why didn't you get the other child when you got this one? A She wouldn't let me have it because it was a girl.

Q Did she willingly let you have this boy? A Yes sir.

Q Was her first husband a citizen? A No sir.

Q He was a non-citizen man here? A Yes sir.

By Mr. Hastings:

Q How old is Lottie? A Lottie is 30 years old, according to my judgment.

By Com'r Needles:

Q Did you ever have any child by Ibbie Mays? A Yes sir.

Com'r Needles: Maryland Beck applies for the enrollment of himself and two children, Ida, 12 years of age, and Harvey, 10 years of age; he avers that he was a slave of Joseph Beck, never left the Cherokee Nation during the war, and that he was at Ft. Gibson in the Cherokee Nation in the year 1866; he avers that he has resided in the Cherokee Nation from that day until this. He avers that he was first married to one Ibbie Mays, and that upon the death of Ibbie Mays, he married Mary Lett, a non-citizen, whom he avers is the mother of the children for whom he makes application. He makes proof of his marriage, by Elder Webber, who testified that he married him; said Mary Lett and the applicant separated and he has since married one Minnie Sanders, a Cherokee Freedman, whose name is on the roll of 1880. He avers that the oldest child, Ida, is now living with his wife, Mary, from whom he has separated, in the state of Missouri; the youngest child, Harvey, is now in his custody and keeping. The fact that the name of Maryland Beck does not appear upon the authenticated roll of 1880 and the further fact that his citizenship is contested by the Representatives of the Cherokee Nation, said Maryland Beck and his 2 children, Ida and Harvey will now be listed for enrollment as Cherokee

Freedmen on a doubtful card; he will be notified by the Commission at his postoffice address of their decision in the premises

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony the 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 July 10, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this 29th of July, 1901.

M. D. Green
Commissioner.
Notary Public

20

F. D. 919

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of 190
[Signature]
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

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

FILED
SEP 21 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Dallas Beck
for enrollment as Cherokee citizens

Case No. D. 216

To Dallas Beck or Melletta & Smith her Attys.

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 Vinita Indian Territory, on Oct. 19th 1901 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 22 day of Oct. 1901.

.....
.....
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

OCT 11 1901

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

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of William Beck for en-
rollment as Cherokee Freedmen.

Melville Smith

Cherokee Freedmen #919

Supl. Order, C.F.-D.#918.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Dallas Beck, C.F.-D.#918, as a Cherokee Freedman, made by request of Mr. Davenport, of Counsel for Cherokee Nation:

Com'r Needles: The testimony taken in D-884 will be made part of the record in case D- 918, Dallas Beck.

---ooo000ooo---

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 October 25th, 1901.

[Signature]

Commissioner.

To be filed in F. D. ⁹¹⁹ ~~914~~.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Maryland Beck for the enrollment of himself et al as Cherokee freedmen.

SUPPLEMENTAL TO D-884.

APPEARANCES:

Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a marriage certificate of Maryland Beck to Ebbe Maze recorded January 15, 1867, showing that the said Maryland Beck and Ebbe Maze were united in matrimony by the Rev. Thomas Withlock on the 5th day of January, A. D. 1867, at the residence of C. H. Drake in Scott Township, Bourbon County, Kansas.

MR. SMITH: The applicant objects because the same does not tend to prove any issue in this case.

COMMISSION: This testimony will also be filed with and made a part of the record in the case of Dallas Beck, D-~~914~~, who is represented by Mellette & Smith.

919

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

Arthur G. Croninger.

Subscribed and sworn to before me this 29th day of May, 1902.

P. G. Reuter, Notary Public.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy, and that the same is a true and complete copy of the original.

Retta Chick

Subscribed and sworn to before me this 2nd day of July, 1902.

P. G. Reuter
Notary Public.

W. W. Hastings

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ALAMS for enrollment as a Cherokee Freedman:

Applicant appears by Hellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of *Rosen Whitwire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209*, filed in the *Mariah Hayden* case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said *Mariah Hayden*, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Dallas Beck, D 919;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of *Mariah Hayden* will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the *Mariah Hayden* case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

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

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

[Signature]
Notary Public.

40919

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RECEIVED
MAR 21 1908

[Handwritten signature]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Dallas Beek,
Ruby, I. T.
Cherokee F-D-919
Registrar.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-804 et al.

Muskogee, Indian Territory, March 26, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Maryland Beck et al., granting the applications for the enrollment of Maryland, Ida, Harvey, Lottie, Dallas and Benjamin Beck as Cherokee freedmen.

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

Respectfully,

Enc. D-12.

Commissioner in Charge.

Cherokee Freedmen
D-919, D-884

Muskogee, Indian Territory, April 14, 1904.

Edgar Smith,

Attorney for Maryland Beck et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Maryland Beck et al., granting the applications for the enrollment of Maryland, Ida, Harvey and Dallas Beck as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

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

Respectfully,



Commissioner in Charge.

Register
Enc. D-48

Cherokee Freedmen
D-919.

Muskogee, Indian Territory, April 14, 1904.

Dallas Beck,

Ruby, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

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

Respectfully,

Register
Enc. D-47.

Commissioner in Charge.

Cherokee Freedmen
D-884 et al.

Muskogee, Indian Territory, April 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Maryland Beck et al., including the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack as Cherokee freedmen.

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

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-51.

(COPY)

Refer in reply
to the following:
Lard
25953-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON
September 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 14, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Maryland Beck for himself and his minor children, Ida and Harvey Beck; by Lottie Paack for herself; by Dallas Beck for himself; and by Benjamin Beck for himself.

March 5, 1904, the Commission decided favorable to the applicants.

The record shows that Maryland Beck has resided in the Cherokee Nation continuously since the beginning of the war of the rebellion; and that all the other adult applicants have resided in the nation all their lives; that they are the children of Maryland Beck and were born since 1866.

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

Very respectfully

H.M.K.
W.

A. C. Tonner
Acting Commissioner

(C O P Y)

D.C. 26761-1904
I.T.D 7678-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.
PHE
J.P.
L.R.S.

October 7, 1904.

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

Gentlemen:

April 14, 1904, you transmitted the record in the consolidated case of Maryland Beck , et al., including your decision of March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack , as Cherokee freedmen.

You also transmitted copy of the protest of the Cherokee Nation against your decision.

Reporting in the matter September 22, 1904, the Acting Commissioner recommended that your decision be approved. A copy of his letter is inclosed.

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

Respectfully ,

Thos Ryan
Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen
D-919

Muskogee, Indian Territory, October 25, 1904.

Dallas Beck,

Ruby, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting your application for enrollment as a Cherokee freedman, was approved by the Secretary of the Interior on October 7, 1904.

Respectfully,

Tamc Dixey.
Chairman.

COPY

Cherokee Freedmen
D-884 et al.

Muskogee, Indian Territory, October 25, 1904.

Edgar Smith,

Attorney for Maryland Beck et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey and Dallas Beck, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

J. J. [unclear]
Chairman.

COPY.

Cherokee Freedmen
D-884. et al

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

Chairman.

Cher Fr 1405

Trans. from Cher Fr D890

Cher Fr 1405

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the enrollment of Lettie Pack who applies for the enrollment of herself as a Cherokee Freedman said Pack being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Lettie Pack.
Q How old are you? A 30.
Q What is your post office address? A Wagoner.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Are you married? A Has been.
Q What is your husband's name? A Joe Pack.
Q Is he living? A No, sir.
Q You are not living with him? A No, sir.
Q What is your father's name? A Maryland Beck.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Ibby Beck.
Q Is she living? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q On what roll? A Wallace and Kern Clifton roll.
Q When were you married? A I don't know, sir.
Q How long ago? A I don't know, about seven or eight
Q Did you draw your money on the Kern-Clifton roll under the
name of Pack or Beck? A Beck.
Q Is your name McDavis, ever been? A ~~Yes~~ Yes, sir,
on the Wallace.
Q How did your name happen to be McDavis? A I was married to
him.
Q Been married twice? A Yes, sir.

The 1880 Authenticated Roll and 1896 census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 137, #3417, Lettie Beck, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 99, #2113, Lotta McDavid, Illinois District.

- Q Where were you born? A In Cooweescoowee.
Q Cherokee Nation? A Yes, sir.
Q Live in the Cherokee Nation all your life? A Yes, sir.
Q You say you claim citizenship through your father?
A Yes, sir.

COM'R NEEDLES: Lettie Pack applies for the enrollment of herself. She avers that she is the child of Maryland Beck. She avers that she was married at one time to one McDavis, and she has since married to Joe Pack. She can not be found upon the authenticated roll of 1880 or census roll of 1896. She is identified upon the Kern-Clifton roll as Lettie Pack and upon the Wallace roll as Lotta McDavid, that having been the name of her first husband. She claims her citizenship through her father, who has been listed for enrollment by this Commission on doubtful card #384, and said case will be made part of the record in the case at bar and a copy of the same filed herewith. Said Lettie Pack having made satisfactory proof as to residence will be listed for enrollment as a Cherokee Freedman upon a doubt-

Lottie Pack, et al.

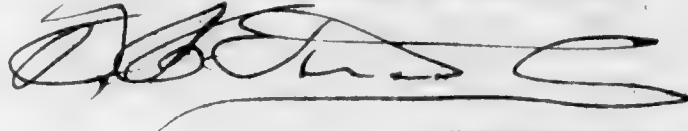
full card, awaiting further consideration of the Commission. She will be duly notified by mail of the decision of the Commission.

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J. O. Rossen, being first duly sworn, states 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 his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 13th day of July, 1901.



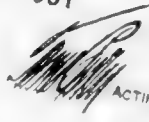
Commissioner.

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

FILED
JUN 27 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 27 1901
Post Office *Hanner St.*
District *D. 600*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ District _____
Parents:
Father *Robert Beck* Citizenship _____
Mother _____ Citizenship _____

2. Name of wife *Lottie Beck* Age _____
Owner's name _____ Citizenship _____
Year *Kb.* Page *137* No. *3417* District _____
Parents:
Father *Maryland Beck, living* Citizenship _____
Mother *John* " *Beck* Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Robert Beck

Application made by *W.S.* Stenographer *John Ross*

On K.L. roll as Lottie Beck
*" Wallact " P. 99 * 2113 - Lotta Mc Davis*

X of D, 884

To be filed with case of Lottie Beck, C. F. D. #890.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 26, 1901.

In the matter of the application of Maryland Beck for the enrollment of himself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

- Q What is your name? A Maryland Beck,
Q What is your age? A 58 or 9.
Q What is your post office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and 5 children.
Q Are your five children under age and unmarried? A No, sir.
Q Give me the names of those under age and not married? A Ida and Harvey.
Q Ida Beck? A Yes, sir.
Q How old is Ida? A 12 years old.
Q How old is Harvey? A 10 years old.
Q Any others? A Yes, my other grown children.
Q You have just two not grown? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Minnie Beck.
Q Is she a citizen? A Yes, sir.
Q Has she been enrolled? A Yes, sir.
Q Is her name on the 1880 roll? A Yes, sir.
Q Why didn't she enroll these children? A They are not hers.
Q She is not the mother of them? A No, sir.
Q How many times have you been married? A 3 times.
Q What was your first wife's name? A Ibbie Mays.
Q Is she living? A No, sir.
Q What was your second wife's name? A Mary Beck.
Q What was her name before you married her? A Mary Lett.
Q What is your wife's name? A Minnie.
Q What was her name before you married her? A Minnie Sanders.
Q Who is the mother of Ida Beck? A Mary Lett.
Q Who is the mother of Harvey Beck? A Mary.
By Mr. Smith: Mr. Beck, who are your witnesses? A Sam Webber, Allen Lynch, Jack Landrum, John Baldrige.
Q Mr. Beck, were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in the Cherokee Nation.
Q Where were you living when the war came up? A I was living in Delaware district, in the Cherokee Nation.
Q Who was your owner? A Joseph Beck.
Q Was Joseph Beck a Cherokee Indian? A Yes, sir.
Q Was he a Cherokee Indian by blood? A Yes, sir.
Q Recognize citizen of the Cherokee Nation? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war or remain here? A I remained here.
Q Where were you in 1866? A I was at Ft. Gibson.
Q Were you at Ft. Gibson during all of the year of 1866? A No, sir.
Q Where were you the rest of the time? A I was up on Big Creek, where I live.
Q Where did you stay during the war? A I stayed at Ft. Gibson.
Q How much of 1866 did you spend at Ft. Gibson? A -
Q By Com'r Needles: Ft. Gibson in the Cherokee Nation? A Yes, sir.
Answer to Mr. Smith's last question: I spent there from the spring to fall.

- Q What time did you go to Big Creek? A In the early part of the fall.
- Q Where were you during all the time of the war? A I was at Ft. Gibson.
- Q What were you doing down there? A I stayed there.
- Q Did you do any kind of work? A Yes, sir, I remained some for the Government.
- Q How old are you now? A I am 60 or 9 I guess.
- Q Have you any children older than the ones you have applied here, Ida and Harvey? A Yes, sir.
- Q Who are they? A Oldest one is Lottie.
- Q What's her name now? A Lottie Pack.
- Q How long has she lived? A She lived here in the Nation.
- Q Where was she born? A She was born up on Big Creek.
- Q In the Cherokee Nation? A Yes, sir.
- Q Where has she lived all the time? A Lived here in the Nation.
- Q Where has she lived all the time? A Lived up here in the Nation.
- Q Any others except Lottie? A Next oldest is Dennis.
- Q Where does he live? A He lives with me.
- Q Married or single? A He is single.
- Q Well then no else? A Another boy lives with me, he is married.
- Q What is his name? A Dallas.
- Q Has he any children? A No, sir.
- Q Who was the mother of these children, that is those that you have just mentioned? A Ibbie says.
- Q The mother of those three grown children? A Yes, sir.
- Q Who is the mother of those 2 you have just applied for?
- A Mary Lett, Mary pack I call her.
- Q Mary Lett was her maiden name? A Yes, sir.
- Q Were you married to Mary Lett? A Yes, sir.
- Q Where were you married to her? A On Big Creek.
- Q Have you any certificate of your marriage to her? A No, sir.
- Q Who married you? A Sam Webber.
- Q Did you have any license or did you just marry? A No, sir, we just married.
- Q Well at that time that had become of your wife Ibbie, or was Ibbie ever your wife, the mother of the grown children?
- A She was dead.
- Q Did she die before you married Mary? A Yes, sir.
- Q Where you married to Ibbie? A Yes, sir.
- Q Have any license? A No, sir.
- Q When were you married to her? A I was married there on Big Creek
- Q When I said? A Late in the fall of '68.
- Q In the fall of '68? A Yes, sir.
- Q Who married you and Ibbie? A Webber.
- Q Have any license or just married? A Just married.
- Q Who did you say she on the 1880 roll, your present wife?
- A Yes, sir.
- Q What is her name? A Minie.
- Q Where is Mary, the mother is Ida and Harvey? A She is in Missouri somewhere.
- Q You and she separated. A Yes, sir.
- Q Your first wife was dead however before you married this woman Mary. A Yes, sir.
- Q Where are these children, Ida and Harvey, with you? A Harvey is with me, and Ida is with her.
- Q Does your wife live in Missouri? A Yes, sir.
- Q That is, your former wife Mary? A Yes, sir.
- Q Are you on any of the rolls of the Cherokee Nation? A I am on the Kern-Clifton roll and the Wallace roll.

Kern-Clifton pay roll of citizens of the Cherokee Nation
examined and applicants identified on page 137, #3411,
Maryland Beck, Coowescoowee district;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 99, #2112, Maryland, Beck, Illinois district;

Kern-Clifton pay roll of citizens of the Cherokee Nation, Page 137, #3415, Ida Beck, Coowee coowee district;
Page 137, #3416, Harvey Beck, Cooweescoowee district;

By Com'r Needles: Have you any children by your present wife?

A No, sir.

Q You say she is on the 1860 roll? A Yes, sir.

Q Do you apply for her? A She had done applied.

Q Ibbie Wager was dead before you married Mary Lett? A Yes, sir.

Q Mary Lett a citizen? A No, sir.

Q She is a non-citizen? A Yes, sir.

Q You don't apply for her then? A No, sir.

Q Where do I understand you to say you were in the year '66?

A Ft. Gibson.

Q You never went out of the Cherokee Nation then before '66?

A No, sir.

Q And was here during that year at Ft. Gibson in the Cherokee Nation?

A Yes, sir.

Q Where was you in 1867? A I was here on Big Creek in '67.

Q In the Cherokee Nation? A Yes, sir.

Q Have you lived continuously in the Cherokee Nation from that time until this? A Yes, sir.

Q Never lived out of it? A No, sir.

Q Why didn't your name on the roll of 1860? A They wouldn't put it on.

By Mr. Hastings: Maryland, what part of the Cherokee Nation did you live in before the war? A I lived in Delaware district.

Q Joe Beck have a wife? A Yes, sir.

Q What was her name? A Cynthia.

Q He have any family? A Yes, sir.

Q What are some of his family named? A Oldest boy was named Ed, Dad, Large, Polly, Ary.

Q Did you know Zeke Beck before the war? A Yes, sir.

Q How far did he live from you? A About 2 miles.

Q You applied to the Rob Daniels Court in '71 for enrollment didn't you? A Yes, sir.

Q You have your witnesses there then? A Yes, sir.

Q The court refused to enroll you didn't it? A Yes, sir, it did not do it.

Q You applied to the Kern-Clifton Commission? A Yes, sir.

Q At that time you said that you had been in Kansas during the war didn't you? A No, sir.

Q Didn't you state at that time that you came from Ft. Leavenworth after the war to Ft. Gibson? A No, sir.

Q Didn't you state that you came back from there, but wasn't to Ft. Gibson from Ft. Leavenworth? A No, sir.

Q You deny then that you had been in Kansas at all during the war?

A I stated that while I was driving a Government team I went on a trip up to Leavenworth and back to Ft. Gibson.

Q How long were you in Kansas? A Generally made a trip in about 60 days.

Q Did you live in the town of Ft. Gibson through the war? A Yes, sir.

Q Right in the town? A Yes, well part of the time in the town.

Q And where the rest of the time? A Right out in the edge of town where my daddy lived.

Q You lived with him then during the war? A Yes, sir, when I wasn't at work I stopped there.

Q Did you tell the Kern-Clifton Commission that you had remained there with your father during the war? A Yes, sir.

Q Did you introduce any witnesses at all before the Kern-Clifton Commission? A Yes, sir.

- Q Who did you introduce? A I introduced Jack Landrum, Allen Lynch
Simon Lynch.
- Q They went in and made statements did they? A No, sir, they
wasn't called.
- Q They didn't testify before it? A No, sir.
- Q You say Sam Webber married you to your first wife? A His father
- Q That was in the fall of '56? A In the winter.
- Q Was it before or after Christmas? A It was after Christmas.
- Q About how long after Christmas? A Sometime in January, I guess.
- Q Don't you know? A No, it was after, I don't know exactly.
- Q What was your first wife's name? A Ibbie Ways.
- Q How old was she? A She was David Ways' daughter.
- Q How long after you were married until your first child was born?
- A First child was born in October, I think, '57.
- Q What was that child's name? A Tottie.
- Q What is her present name? A Tottie Jack.
- Q Is she alive? A Yes, sir.
- Q How old was she then? A About 1, sir.
- Q Where were you living at that time? A Living where on Big
Creek.
- Q Had you a place there at that time? A Yes, sir.
- Q Was that the first place you made on Big Creek? A Yes, sir.
- Q When did you take that place? A I commenced it in the fall,
early part of the fall of '56.
- Q Before you were married? A Yes, sir.
- Q How far was Jim Martin live from you? A Jim Martin is living
about, well I think it must be a mile and a half, maybe 2 miles.
- Q Was he living there at that time? A No, sir.
- Q About how long after you got there until he came? A He had been
there I think about a year.
- Q How far are you from the Texas line? A It is about 20 miles I
guess to the present part.
- Q How far do you live from Sam Webber? A Now?
- Q No, then; how far did you live? A About 3 miles.
- Q You located within 3 miles of Sam Webber did you? A Yes, sir.
- Q When did you first see Allen Lynch after the war? A I saw him
first at St. Gibson right after the war.
- Q How married you to your second wife? A Young Sam Webber.
- Q What was your second wife's maiden name, Letto? A Lett.
- Q You married her on Big Creek? A Yes, sir.
- Q About what year? A I don't remember just about the year.
- Q You and she were separated? A Yes, sir.
- Q How long did you live with her? A About three or four years.
- Q You had two children hadn't you? A Yes, sir.
- Q How long did she live out of the country after you were parted?
- A It may have been a month, probably might be a year.
- Q How long in the orange business there? A No, further than a
teamster.
- Q How long Webber lived up there when you first went up there from
St. Gibson? A Yes, sir.
- Q How long of the year did you live there? A It was in the fall.
- Q About what time in the fall? A Pretty early.
- Q As early as September? A Between September and October, some-
where along in there.
- Q Who else was living around up there at that time?
- A There was quite a lot of them, I don't know all of them.
- Q Peter Ward lived up there at that time? A I don't know, I
won't be positive whether he was or not.
- Q Name some of the rest of your neighbors besides Sam Webber?
- A Peter Beige lived there and Sanders and Whitaires.
- Q You say you have one child with your second wife in Missouri?
- A Two.
- Q One child though still in Missouri? A Yes, sir.
- Q It went with its mother? A Yes, sir.
- Q Been living with its mother? A Yes, sir.

Q Con'r Needles: You say you are separated from Mary Lett are you? A Yes, sir.

Q Get a divorce from her? A No, sir.

Q Was Ida Beck and Harvey Beck born while you were living with Mary Lett? A Yes, sir.

Q Were they both in the Cherokee Nation? A Yes, sir.

Q Harvey is living now in Missouri? A No, I da.

Q With her mother? A Yes, sir.

Q How long has she been living there? A She has been there about all the time her mother has.

Q Well how long has her mother been there? A She has been there about going on 12 years now.

Q The same very near being born there didn't she, she is only 12 years old? A No, she went since she was born.

ALLEN LYNCH, being sworn by Con'r Needles, testified as follows: By Mr. Smith:

Q What is your name? A Allen Lynch.

Q What is your age? A 61 years old.

Q Where do you live? A I live in Vinita.

Q How long have you lived in the Cherokee Nation? A Well, I have been here all the time only when I was out in the army.

Q Lived here all your life? A Yes, sir.

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

Q How did you become a citizen? A Yes, sir.

Q Do you know this applicant, Maryland Beck? A Yes, sir.

Q How long have you known him? A I knowed him 5 or 6 years before the war.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Joe Beck.

Q Was Joe Beck a Cherokee Indian? A Yes, sir.

Q Citizen of the Cherokee Nation? A Yes, sir.

Q Were you out of the Nation yourself during the war? A I was in the army, yes, sir.

Q How long did you leave the Cherokee Nation? A I believe I left here in July, '62, if I might make no mistake.

Q When did you return after the war? A I come back here in February, '65.

Q Were you out of the Cherokee Nation all the time from the time you went out until you returned? A Yes, sir.

Q Were you back in the Nation at any time? A I was back in the Nation during the war when the army was here.

Q How long was this applicant when the war commenced? A He was on Long Prairie.

Q In the Cherokee Nation? A Yes, sir.

Q Where did Joe Beck live? A Lived up on Long Prairie; this side of Long Prairie ways.

Q When did you first see Maryland Beck after you returned here in '66? A First time I saw him was along in the spring of '66, I couldn't tell exactly.

Q How had you heard yourself about how long when you saw him?

A I come here in February, I guess it must have been May or June when I saw him.

Q Where did you see him? A At Ft. Gibson.

Q When did you next see him? A It was about a year.

Q Where did you see him then? A First time I saw him I believe I saw him on Grand river after I saw him at Gibson.

Q How long have you seen him a few times or often since that time?

A Yes, sir, I have seen him pretty often.

Q Where has he been living? A On Big Creek.

Q You know where he lives now? A Yes, sir.

Q How long has he been living there? A I don't know just how long he has been living where he lives now, but he lived next to the creek from where he is living now when I used to go to see him, when

I used to be overin there, but he has moved about a mile or a mile and a half, maybe 2 miles further.

Q How long has it been since you first knew of his living on Big Creek? A It has been about 25 or 26 years, 26 years.

Q Do you know Mary Lett? A His wife?

Q Yes? A No, sir, I didn't know his wife.

Q Did you ever hear to his house during the time that he and Mary were living together? A No, sir. I never went to his house while they were living together, I know where his house was, and passed by there, and I always made my stopping place at Dan Sanders'.

Q Did you ever see them together during the time he was living together? A Yes, sir, I saw them together there at his place

about 24 or 25 years ago, but I wasn't particular acquainted with her. Q Do you know whether they were man and wife or not, or whether they lived as man and wife or not? A No, sir, I don't.

Q Do you know where you lived? A I lived then on Grand river.

Interrogatory: Where did you live before the war?

A I lived on Grand river.

Q How did this man live before the war? A On Long Prairie.

Q How far from where you lived? A It must have been nearly 30 miles.

Q What was his owner's name? A Joe Beck, or Jeff Beck; I was acquainted with the owner and his father and all of his folks.

Q Did you know which one owned this man? A Joe Beck is the one I think owned him.

Q Are you certain? A I am not certain whether it was Joe Beck or Jeff Beck, but I know the folks.

Q Did you know to their house before the war? A Yes, sir.

Q What sort of a house did they live in? A They lived in a jut log house and I used to go to there.

Q How long before the war was that? A 6 or 7 or 8 years; that was the last time I used to go in to Hog Eye, what we called "Hog Eye" to the place.

Q It has been 6 or 7 years before the war the last time you were over there? A No, it wasn't the last time I was over there, I was there hearing the time one troops was over there.

Q How long before the war? A I think it was about 3 or 4 years before the war after that I was up there.

Q What was his mistress' name was? A No I don't remember just what her name was.

Q You had other members of the family? A There was Gutt Beck.

Q Did you know one of his young masters? A Yes, sir, there was Gutt Beck and I believe Gutt Beck, I don't recollect just what their names was.

Q How did you know his master? A That is the ones he called his young masters.

Q How were they living at that time? A Before the war?

Q Yes, sir, they was there before the war.

Q Did you know any other Beck brothers? A I couldn't tell you whether there were any or not, all of them Beck's lives right in there, we used to go in there and I know them all by name.

Q How did you know this man? A I don't recollect just now how the house was made.

Q Do you know what it was boxed up or not? A I don't think it was.

Q What time after the war were you it you saw this party, the applicant? A First time I saw him I met him right there at the river, him and his father right there at the ford of the river where they run the boat across the river at Gibson.

Q That Grand River? A Yes, sir, that's the first place I saw him after the war.

Q How old was he at that time? A I couldn't tell you how old he was, he was big enough to do good work.

Q Was he grown? A He was a young man.

- Q You know whether he was married at that time or not?
- A No, sir, I don't.
- Q Did you see his wife then? A No, sir, I didn't.
- Q About what time in the year was that? A Well, sir, it was, if I recollect right, it was either in May or June, along there. It was along in the spring.
- Q He driving a team was he? A No, sir.
- Q What was he doing? A Him and his father was standing on the bank of the river, and some other parties when we come across.
- Q When did you next see him? A Next time I saw him was about a year after that I reckon, or a year and a half.
- Q Where did you next see him? A Up on Grand river at Simon Lynch's.
- Q You know where he came from at that time? A No, sir, I didn't see him.
- Q You know where he was living at that time? A No, I wasn't.
- Q Don't believe I asked him where he was living.
- Q You know whether he was married at that time? A No, sir, I don't.
- Q Was any one else with him and his father when you saw them?
- A Yes, sir, there was two or three women with them, one of them was Cindy Beck, used to be Guss Washington's wife, and Nancy Taylor over here.
- Q Who was with him at Simon Lynch's? A Let's see now who was with him, I don't remember who was with him; I don't remember only I saw him and two or three with him.
- Q How long after that until you saw him again? A Well, I didn't see him then for 6 or 7 years, it might have been longer and might not have been so long.
- Q You wasn't a witness for him before the Kern-Clifton commission?
- A No, sir, he didn't have any I don't think; he asked me to witness for him and I told him I could.
- Q You didn't go in and testify? A I don't think I did.
- Q You know whether he had any witnesses at all or not?
- A No, sir, I don't know.
- Q He had about the same sort of investigation as we have now, witnesses come in and testified? A Yes, sir.
- Q And took down what they said? A Yes, sir.
- Q You remember of seeing him down before the Bob Daniels Court?
- A I wasn't there.
- Q You wasn't there? A No, sir, I didn't go.
- Q When it was 6 or 7 years after that that you next saw him?
- A Yes, sir, I didn't see him until after we moved on Big Creek.
- Q You wasn't at his house in Ft. Gibson? A No, sir.
- Q Who was with him you at that time? A He and James Hagedale and one Art Williams.

SA WELLS, being sworn by John Hedges, testified as follows: Is R. with:

- Q What's your name? A John Webber.
- Q How old are you? A About 56.
- Q Where do you live? A 2 miles west of here.
- Q Are you a citizen of the Cherokee nation? A Yes, sir.
- Q Recognized citizen? A Yes, sir.
- Q Do you know this applicant, Maryland Beck? A Yes, sir.
- Q How long have you known him? A I got acquainted with him since the war.
- Q Where did you first get acquainted with him? A On Big Creek.
- Q When? A Along sometime late in the fall of '66 he come there.
- Q Come to where? A Big Creek, then Cherokee Nation.
- Q At what place did you see him on Big Creek, near what place was it, whose house and where was it? A He was to my house and around at other houses that was there, people lived there.
- Q How long did he remain up there about Big Creek? A He just stayed there after he come back.
- Q Who came with him? A An old fellow we used to call Uncle Coesack, goes by John Baldrice now.

Q You know where Maryland lives now? A He lives there on Big Creek.

Q How far from you? A It is about 12 or 13 miles, I guess, over there.

Q How long has he been living in the neighborhood? A Ever since he settled there.

Q Ever since the fall of '66? A Yes, sir.

Q By Oliver No. 100? Do you know his wife, say? A Yes, sir, I got acquainted with her.

Q By Mr. Smith: Did you know whether he and Mary were married or not? A Yes, sir; I married them.

Q Where did you marry them? A Right at his house.

Q When, you know about how many years ago? A Not exactly, it has been a good while ago though.

Q You know whether he said he had any children or not? A There had one child when I was there last. Got the children and the woman last.

Q One when you saw them last? A Yes, sir, when I saw her last she had one child then.

Q Did she have any more? A Yes, sir, I heard one last, I ain't saw her since.

Q How long before she left was it before you saw her? A It was quite a little bit before she left that I saw her.

Q By your headles: Do you know how long they lived together as man and wife? A I don't know whether it was 2 years or 3 years.

Q You know if either children had born to them? A I heard she had another one, I don't know.

Q You only saw one? A Yes, sir, I only saw one.

Q You don't recollect about what year it was you married them? A I couldn't tell exactly just what year it was.

Q By Mr. Hastings: What was her maiden name? A I don't know what her maiden name was, she was a widow, her husband died there, she was a widow.

Q Did she have some children by her first husband? A Yes, sir.

Q How many? A I couldn't tell you that, I don't know, there was two or three to my knowledge, I don't know exactly.

Q You don't know whether they were boys or girls? A No, sir, I don't; they was little things, small children, I couldn't tell you.

Q Was her first husband dead at that time? A Yes, sir, he died there right on the creek.

Q You know what year he died? A No, sir, I don't; it was along in August though, we was holdin' association there when he died, but I don't know what year it was.

Q You don't know what year you married this man? A Can't tell exactly, it has been right about little bit ago.

Q It has been a good while since he came up to that country too? A Yes, sir.

Q But you have a distinct recollection when he first came there? A Yes, sir, we was glad to see anybody come.

Q He was a stranger to you? A Yes, sir.

Q What was his first wife's name, was that his first wife? A No, sir.

Q What was her name? A Ibbie.

Q Ibbie what? A Mays I guess her daddy was Mays.

Q What was her daddy's first name? A Dave Mays.

Q Was she living there when the land came up there? A I believe she was I ain't right certain, I don't know whether he got there first or they got there first.

Q Where did he marry her? A He married her there on Big Creek.

Q You know how long after he came up there until he married her? A No, sir, not exactly.

Q As much as a year? A I couldn't answer that, because I never paid much attention, I was working out a good deal right then, I had to make something.

Clifton Court? A No, sir.

Q Are you down before what is known as the Bob Daniels court in '71? A Yes, sir, I was down there.

Q Did you see Maryland Beck down there? A I think I did, and a whole lot more.

Q Did you witness for him down there before the court?

A No, sir, I don't think I did.

Q How far from the creek did he locate? A Some two or three miles.

Q Did he have a place there? A Yes, sir, made a place.

Q How far was Jim Martin living from him at that time?

A About over a half mile, or nearly a mile I reckon.

Q Did he continue to live there? A Who?

Q Maryland Beck? A Yes, sir, Jim Martin bought a place just before Beck's when he come in.

Q How long after that until Jim Martin come? A Jim Martin brought 30 head of cattle there in the fall of '67 and left them, and he put up his horses, and left and moved back in '68.

Q How long was Beck living there at that time? A Yes, sir.

Q How long with: How long was Beck about an applicant for a license of all applicants before the law officers court, did you see any, before or after the Bob Daniels Court? A Yes, sir. I don't know whether he ever had a trial at the Bob Daniels court or not. I didn't have any as I know of.

Q How many saw quite a number of people there at the Bob Daniels court? A Yes, sir.

Q What were they doing there? A I saw a piece in the papers where they was calling it down there and we made up a big crowd and went there.

Q What did you do when you got there? A My father and another one of the men made applications there and of course they dictated them to a scribe, I couldn't tell you how, I was admitted at the same time, but I can't tell you just how it was done really.

Q How many of those people made applications?

A I believe many - still my father and Charles Campbell and my brother Johnson, was admitted all at the same time, but they couldn't find his name on the roll though they say over yonder.

Q As far as Maryland Beck is concerned, you don't know whether he had a trial or not? A They didn't try all of them I believe.

Q How long with: You know whether they tried his case at all or not? A They didn't try all of them, they didn't try his case.

Q How long with: I don't know whether they didn't try his case?

A If they did I didn't see them.

Q How long with: I don't know when, sir.

John DANIELS, being sworn by court recorder, testified as follows: A R. Beck:

Q How long with: John Daniels.

Q How long with: On something creek.

Q How long with: How long lived in the Cherokee Nation? A All my life.

Q How long with: How long applicant, Maryland Beck? A Yes, sir.

Q How long with: How long know him? A Been knowing him before the war, when he was a boy, little child you might say.

Q How long with: Did you go out of the Cherokee Nation during the war or not, yourself? A No, sir, I didn't go out myself.

Q How long with: Where were you during the war? A I went out with the soldiers.

Q How long with: You didn't go out yourself, you just went out with the soldiers?

A No, sir.

Q How long with: When did you get back to the Cherokee Nation? A I got back in '68 in the fall.

Q How long with: When did you first see Maryland Beck after you got back?

A I saw him in Gibson.

Q Where? In '55.

Q What were you doing in Gibson in '55? A I helped haul the Creek Indians from Kansas down to Gibson to their country, the Creek Indians I mean, some of them, a few that was left.

Q Then where did you go after you made that trip? A Went back to Kansas.

Q And then when did you go when you come back to the Cherokee National? In '6.

Q Well how long after you came back here in '66 before you saw Beck? A After some time.

Q How long after that? A In '68 did you see him any more after that? A Yes, sir.

Q Where did you see him? A I saw him up on Big Rock.

Q Then how long after that did you see him in '67, or I ain't sure, was it the same year?

Q You mean when you saw him in '67, sir.

Q Where was he in '67?

Q He had been living in the mountains, ever since he moved there, he had never been away from there to my knowledge.

Q When did he move there? A I don't know when I saw him he was there.

Q How long after that did you see him in '68 when you saw him?

A At Gibson right on the bank of the river, when we drove up and stopped to camp right on the bank landing.

Q What time in '68? A Yes, sir, by the side of his daddy.

Q How long after that did you see him? A Yes, sir.

Q How long after that did you see him? A He wasn't with me.

Q How long after that did you see him? A I don't know where after he started to say he was in camp.

Q How long after that did you see him there?

Q How long after that did you see him? A I couldn't tell you just about time it was.

Q How long after that did you see him? A It was along in the summer.

Q How many Creek Indians did you see there? A I took down a couple of families, well I had a couple and his family and 2 daughters.

Q How long after that did you see him? A I don't know.

Q How long after that did you see him? A I wasn't acquainted with them, I don't know where they were at that time, it was so long.

Q How long after that did you see him? A One of them I think was named Henry, I think they called one of them, ain't about all, remember of these names.

Q How long after that did you see him? A Henry.

Q How long after that did you see him? A Why I wasn't a regular soldier, when they were in a recruiting office, you know when we first went into the recruiting here and was turned loose, first we they called it, that turned us loose there at Ft. Scott and then we was in a little bit of ourselves and we went to Mound City.

Q Was that when you was discharged at Ft. Scott? A No, sir.

Q How long after that did you see him? A No, sir.

Q How long after that did you see him? A When we was turned loose there at Ft. Scott.

Q How long after that did you see him? A That's where we went to live, living on land.

Q Were you at Mound City in the spring of '55? A No, sir.

Q Where were you in the spring of '55? A I was at Leroy.

Q And these Creek Indians was all there? A Yes, sir, they was at Leroy.

Q And you turned them loose at Ft. Gibson? A Yes, sir, that's where we left them.

Q How long after that did you see him in Ft. Gibson at that time?

Q No, sir, he didn't have no place then; he was just a young boy, stopped with I was with his daddy.

Q Who's his old man? A I couldn't tell you.

Q How old was he to be? A I couldn't tell you anything about his age.

Q How old was he? A Oh he was over that.

Q What was his name? A Joe Beck.

Q How long did he live before the war? A He lived the other side of Long Prairie.

Q How long did you see their house? A Yes, sir, lots of times.

Q How long before the war was it? A I couldn't tell you, it was a long time.

Q How much was he worth? A Yes. We was just small boys then.

Q How long before the war was it? A I expect, may be more, it was a good while.

Q How long did he live then up until '65? A Yes, sir.

Q How long did he live in '67? A Yes, sir, on Big Creek.

Q How long did he live up here then? A Yes, sir.

Q How long did he live there from '65 to '67? A I don't know, it was a while, hardly a year.

Q You say he was married? A I guess he was married on the farm.

Q How long did he live there? A I don't know.

Q How long did you see him at the farm? A No, sir.

Q How long did he live there? A No, sir.

Q How long did he live there? A No, sir.

Q How long did he live there? A Yes, sir.

Q How long did he live there? A Yes, sir.

Q How long did he live there? A It was in '67.

Q How long did he live there? A -

Mr. C. Smith: If the Court please, I object to this.

Mr. C. Smith: Well it goes to test the witness I think.

Q By Mr. Smith: About that time was it? A I think it was in January, it was said to be January by the people who know better than I do.

Q You don't know the month? A Not exactly of course I know them, I'm getting old, I forget them; if I don't put down the date, I forget them.

Q How long did he live there, do you say? A I sometimes say he lived there for a long time for a while.

Q You say he lived there for a long time before the Horn-Clifton court did you say, sir, I think I did.

Q You say he lived there for a long time before the Horn-Clifton court did you say, sir, I think I did.

Q You say he lived there for a long time before the Horn-Clifton court did you say, sir, I think I did.

Q You say he lived there for a long time before the Horn-Clifton court did you say, sir, I think I did.

A The court never asked me nothing of that kind.

Q But you did say he lived there? A Yes, sir, but they never asked any question about it, I mean, just asked me did I know him and who he belonged to and how he went out and how we went out.

Mr. C. Smith: The witness is recalled and further examined.

Mr. C. Smith: How long did you and your second wife Mary

live together? A Between 3 and 4 years.

Q How long did you live together? A Between 3 and 4 years.

Q How long did you live together? A Between 3 and 4 years.

Q How long did you live together? A Between 3 and 4 years.

Q How long did you live together? A I don't know, it might have been a year probably.

Q Was that second child born while you were living together, as husband and wife? A Yes, sir.

Q How long did you live in the neighborhood after you separated?

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
JUL 11 1901

A She stayed there pretty near one summer, winter.
 Q And then she left? A Yes, sir.
 Q Do you take both of these children with her? A Yes, sir.
 Q Both of them are living with her yet? A No, sir.
 Q When did you get this child back from whom you make application?
 A He has been with me a good while, the boy.
 Q How long? A He has been with me a couple or three months.
 Q How old is he now? A He is 10 years old.
 Q Where did he come from? A Come from Springfield.
 Q The other child is in Springfield now? A Yes, sir.
 Q Mr. Needles: Why didn't you get the other child when you got this one? A She wouldn't let me have it because it was a girl.
 Q Did she willingly let you have this boy? A Yes, sir.
 Q Was her first husband a citizen? A No, sir.
 Q He was a non-citizen man here? A Yes, sir.
 Q Mr. Antine: How old is Lottie? A Lottie is 30 years old, according to my judgment.
 Q Mr. Needles: Did you ever have any child by Ibbie says?
 A Yes, sir.

Mr. Antine: says that he applies for the enrollment of himself and two children, Ida, 18 years of age, and Harvey, 10 years of age; he avers that he was a slave of Joseph Beck, never left the Cherokee Nation during the war, and that he was at Ft. Mims in the Cherokee Nation in the year 1866; he avers that he has resided in the Cherokee Nation from that day until this. He avers that he was first married to one Ibbie says, and that upon the death of Ibbie says, he married Mary Lett, a non-citizen, whom he avers is the mother of the children for whom he makes application. He makes proof of his marriage by Elder Webber, who testified that he married him; said Mary Lett and the applicant separated and he has since married one Jimmie Sanders, a Cherokee freedman, whose name is on the roll of 1860. He avers that the oldest child, Ida, is now living with his wife Mary, from whom he was separated in the State of Missouri; the youngest child, Harvey, is now in his custody and keeping. The fact that the name of Joseph Beck does not appear upon the authenticated roll of 1860 and the further fact that his citizenship is contested by the representatives of the Cherokee Nation, said Joseph Beck and his 2 children, Ida and Harvey, will now be listed for enrollment as Cherokee freedmen on a separate roll; he will be notified by the Commission at the post office address of their decision in the premises.

Mr. 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 thereon.

(Signed) L. D. Green.

Subscribed and sworn to before me this July 10, 1901.

(Signed) J. J. Needles, Commissioner.

J. D. Hossen, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.
 Subscribed and sworn to before me this August 27th, 1901.

[Handwritten signature]

Commissioner

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

In the matter of the application for the enrollment of Maryland Beck, et al., as Cherokee Freedmen, consolidating the applications of

Maryland Beck, et al.,...	Cherokee Freedmen	D 884
Lottie Pack,.....	"	" D 890
Dallas Beck,.....	"	" D 919
Benjamin Beck,.....	"	" D 996

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

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maryland Beck for himself and his minor children, Ida and Harvey Beck; by Lottie Pack for herself; by Dallas Beck for himself; and by Benjamin Beck for himself.

The evidence shows that the principal applicant, Maryland Beck, was the slave of a Cherokee citizen at the commencement of the rebellion; that he remained in said Nation during the rebellion and was residing therein in the fall of 1866. All the other applicants herein were born since 1866 and are the children of said Maryland Beck, claiming right to enrollment through him.

The evidence further shows that said Maryland Beck has resided in the Cherokee Nation continuously since the commencement of the rebellion; and that all the other adult applicants have resided in said Nation all their lives. The residence of said minor applicants is considered to have been the same as that of their father, Maryland Beck.

It is, therefore, the opinion of this Commission that Maryland Beck, Ida Beck, Harvey Beck, Lottie Pack, Dallas Beck and Benjamin Beck should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 23, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 5 1904

32 F1405

IN RE
THE DEATH OF

Little Pack

a citizen of the

United States

of

Nation.

Approved

May 5

1905

A

Commissioner.

A

May 5 1905

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

In the matter of the death of *Sattie Pack*
(Here insert name of deceased)

a citizen of the *Cherokee* Nation, who formerly resided at or near
Wagoner (Here insert name of postoffice), Ind. Ter., and died on the *4th* day of
August, 1904

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, *Maryland Beck*, on oath state that I am *about 65* years of age and a citizen, by *adoption* of the *Cherokee* Nation; that my postoffice address is *Ruby* (Here insert name of postoffice), Ind. Ter.; that I am *the father* of *Sattie Pack* (State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased) who was a citizen, by *adoption*, of the *Cherokee* Nation; and that said *Sattie Pack* (Here insert name of deceased) died on the *4th* day of *August*, 1904.

WITNESSES TO MARK:

(Must be Two Witnesses.) *Clinton W Myers*
Richard C. Berry

Maryland Beck
mark

Subscribed and sworn to before me this *16th* day of *March*, 1905.

Johnson
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 _____ (Here insert name of postoffice.), Ind. Ter.; that I was personally acquainted with _____ (Here insert name of deceased.) who was a citizen, by _____ of the _____ Nation; and that said _____ (Here insert name of deceased) died on the _____ day of _____

WITNESSES TO MARK:

(Must be Two Witnesses.) }

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

Notary Public.

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171

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-884 et al.

Muskogee, Indian Territory, March 26, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Maryland Beck et al., granting the applications for the enrollment of Maryland, Ida, Harvey, Lottie, Dallas and Benjamin Beck as Cherokee freedmen.

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

Respectfully,

Enc. D-12.

Commissioner in Charge.

M. J. ...

COMMISSIONERS
TAMM BERRY
THOMAS B. NERDES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-890.

ALLISON L. AYERS
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 14, 1904.

Lottie Pack,
Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 5, 1904, granting, among others, your said application.

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

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

Respectfully,

Register
Enc. D-50.

Commissioner in Charge.

(COPY)

Refer in reply
to the following:
Land
28935-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON
September 22, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 14, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Maryland Beek for himself and his minor children, Ida and Harvey Beek; by Lettie Paack for herself; by Dallas Beek for himself; and by Benjamin Beek for himself.

March 5, 1904, the Commission decided favorable to the applicants.

The record shows that Maryland Beek has resided in the Cherokee Nation continuously since the beginning of the war of the rebellion; and that all the other adult applicants have resided in the nation all their lives; that they are the children of Maryland Beek and were born since 1866.

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

Very respectfully

M.M.M.
W.

A. C. Tonner
Acting Commissioner

(C O P Y)

D.C. 38761-1904

I.T.D 7678-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.
PHE
J.P.
L.R.S.

October 7, 1904.

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

Gentlemen:

April 14, 1904, you transmitted the record in the consolidated case of Maryland Beck , et al., including your decision of March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack , as Cherokee freedmen.

You also transmitted copy of the protest of the Cherokee Nation against your decision.

Reporting in the matter September 22, 1904, the Acting Commissioner recommended that your decision be approved. A copy of his letter is inclosed.

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

Respectfully ,

1 inclosure.

Thos Ryan
Acting Secretary

COMMISSIONERS:

TAMM BERRY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE,

WM. O. BRALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D-890

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 25, 1904.

Lottie Pack,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,



Chairman.

COPY.

Cherokee Freedmen
D-884. et al

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

Chairman.

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

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

C F 1405

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1904.

Lottie pack,
Wagoner, I. T.

Dear Madam:

You are hereby advised that the name of yourself

appear upon a partial roll of Cherokee
freedmen approved by the Secretary of the Interior on November
16, 1904 .

You are further advised that you will be permitted
to appear before the Cherokee Land Office at Tahlequah, Indian
Territory, and select allotments for those whom you are entitled
to represent when your ticket of admission is reached in the
regular order.

Respectfully,



Chairman.

Cherokee Freedmen
D-884 et al.

Muskogee, Indian Territory, April 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Maryland Beck et al., including the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack as Cherokee freedmen.

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

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-51.

Cher Fr 1406

Trans. from Cher Fr D884

Cher Fr 1406

To be filed with case of Lottie Pack, C. F. D. #890.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 25, 1901.

In the matter of the application of Maryland Beck for the enrollment of himself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

- Q What is your name? A Maryland Beck.
Q What is your age? A 58 or 9.
Q What is your post office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and 5 children.
Q Are your five children under age and unmarrieed? A No, sir.
Q Give me the names of those under age and not married? A Ida and Harvey.
Q Ida Beck? A Yes, sir.
Q How old is Ida? A 12 years old.
Q How old is Harvey? A 10 years old.
Q Any others? A Yes, my other grown children.
Q You have just two not grown? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Minnie Beck.
Q Is she a citizen? A Yes, sir.
Q Has she been enrollee? A Yes, sir.
Q Is her name on the 1880 roll? A Yes, sir.
Q Why didn't she enroll these children? A They are not hers.
Q She is not the mother of them? A No, sir.
Q How many times have you been married? A 3 times.
Q What was your first wife's name? A Ibbie Mays.
Q Is she living? A No, sir.
Q What was your second wife's name? A Mary Beck.
Q What was her name before you married her? A Mary Lett.
Q What is your wife's name? A Minnie.
Q What was her name before you married her? A Minnie Sanders.
Q Who is the mother of Ida Beck? A Mary Lett.
Q Who is the mother of Harvey Beck? A Mary.
By Mr. Smith: Mr. Beck, who are your witnesses? A Sam Webber, Allen Lynch, Jack Landrum, John Baldrige.
Q Mr. Beck, were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in the Cherokee Nation.
Q Where were you living when the war came up? A I was living in Delaware district, in the Cherokee Nation.
Q Who was your owner? A Joseph Beck.
Q Was Joseph Beck a Cherokee Indian? A Yes, sir.
Q Was he a Cherokee Indian by blood? A Yes, sir.
Q Recognize citizen of the Cherokee Nation? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war or remain here?
A I remainee here.
Q Where were you in 1866? A I was at Ft. Gibson.
Q Were you at Ft. Gibson during all of the year of 1866? A No, sir.
Q Where were you the rest of the time? A I was up on Big Creek, where I live.
Q Where did you stay during the war? A I stayed at Ft. Gibson.
Q How much of 1866 did you spend at Ft. Gibson? A -
Q By Com'r Needles: Ft. Gibson in the Cherokee Nation? A Yes, sir.
Answer to Mr. Smith's last question: I spent there from the spring to fall.

- Q What time did you go to Big Creek? A In the early part of the fall.
- Q Where were you during all the time of the war? A I was at Ft. Gibson.
- Q What were you doing down there? A I stayed there.
- Q Did you do any kind of work? A Yes, sir, I feamed some for the Government.
- Q How old are you now? A I am 58 or 9 I guess.
- Q Have you any children older than the ones you have applied here, Ida and Harvey? A Yes, sir.
- Q Who are they? A Oldest one is Lottie.
- Q What's her name now? A Lottie Pack.
- Q Where does she live? A She lived here in the Nation.
- Q Where was she born? A She was born up on Big Creek.
- Q In the Cherokee Nation? A Yes, sir.
- Q Where has she lived all the time? A Lived here in the Nation.
- Q Where has she lived all the time? A Lived ~~at~~ here in the Nation.
- Q Any others except Lottie? A Next oldest is Bennis.
- Q Where does Ben live? A He lives with me.
- Q Married or single? A He is single.
- Q Well then who else? A Another boy lives with me, he is married.
- Q What is his name? A Dallas.
- Q Has he any children? A No, sir.
- Q Who was the mother of these children, that is threse that you have just mentioned? A Ibbie Mays.
- Q The mother of these three gornw chiodren? A Yes, sir.
- Q Who is the mother of these 2 you have just applied for?
- A Mary Lett, Mary Beck I call her.
- Q Mary Lett was her maiden name? A Yes, sir.
- Q Were you married to Mary Lett? A Yes, sir.
- Q Where were you married to her? A On Big Creek.
- Q Have you any certificate of your marriage to her? A No, sir.
- Q Who married you? A Sam Webber.
- Q Did you have any license or did you just marry? A No, sir, we just married.
- Q Well at that time what had beome of your wife Ibbie, or was Ibbie ever your wife, the mother of the grown children?
- A She was dead.
- Q Did she die before you married Mary? A Yes, sir.
- Q Were you married to Ibbie? A Yes, sir.
- Q Have any license? A No, sir.
- Q When were you married to her? A I was married there on Big Creek
- Q When I said? A Late in the fall of '66.
- Q In the fall of '66? A Yes, sir.
- Q Who married you and Ibbie? A Webber.
- Q Have any license or just married? A Just married.
- Q Who did you say is on the 1880 roll, your present wife?
- A Yes, sir.
- Q What is her name? A Minnie.
- Q Where is Mary, the mother is Ida and Harvey? A She is in Missouri somewhere.
- Q You and she separated? A Yes, sir.
- Q Our first wife was dead however before you married this woman
- ///Mary? A Yes, sir.
- Q Where are these children, Ida and Harvey, with you? A Harvey is with me, and Ida is with her.
- Q Does your wife live in Missouri? A Yes, sir.
- Q That is, your former wife Mary? A Yes, sir.
- Q Are you on any of the rolls of the Cherokee Nation? A I am on the Kern-Clifton roll and the Wallace roll.

Kern-Clifton pay roll of citizens of the Cherokee Nation
examined and applicants identified on page 137, #3411,
Maryland Beck, Cooweescoowee district;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 99, #2112, Maryland, Beck, Illinois district;

Kern-Clifton pay roll of citizens of the Cherokee Nation, Page 137, #3415, Ida Beck, Cooweescoowee district; Page 137, #3416, Harvey Beck, Cooweescoowee district:

By Com'r Needles: Have you any children by your present wife?

A No, sir.

Q You say she is on the 1880 roll? A Yes, sir.

Q Do you apply for her? A She had done applied.

Q Abbie Mays was dead before you married Mary Lett? A Yes, sir.

Q Mary Lett a citizen? A No, sir.

Q She is a non-citizen? A Yes, sir.

Q You don't apply for her then? A No, sir.

Q Where do I understand you to say you were in the year '66?

A Ft. Gibson.

Q You never went out of the Cherokee Nation then before '66?

A No, sir.

Q And was here during that year at Ft. Gibson in the Cherokee Nation?

A Yes, sir.

Q Where was you in 1867? A I was here on Big Creek in '67.

Q In the Cherokee Nation? A Yes, sir.

Q Have you lived continuously in the Cherokee Nation from that time until this? A Yes, sir.

Q Never lived out of it? A No, sir.

Q Why ain't your name on the roll of 1880? A They wouldn't put it on.

By Mr. Hastings: Maryland, what part of the Cherokee Nation did you live in before the war? A I lived in Delaware district.

Q Joe Beck have a wife? A Yes, sir.

Q What was her name? A Cynthia.

Q He have any family? A Yes, sir.

Q What are some of his family named? A Oldest boy was named Ed, Dud, Luge, Polly, Ary.

Q Did you know Zeke Beck before the war? A Yes, sir.

Q How far did he live from you? A About 2 miles.

Q You applied to the Bob Daniels Court in '71 for enrollment didn't you? A Yes, sir.

Q You have your witnesses there then? A Yes, sir.

Q The court refused to enroll you didn't it? A Yes, sir, it did not do it.

Q You applied to the Kern-Clifton Commission? A Yes, sir.

Q At that time you said that you had been in Kansas during the war didn't you? A No, sir.

Q Didn't you state at that time that you came from Ft. Leavenworth after the war to Ft. Gibson? A No, sir.

Q Didn't you state that you came back from there, but wasn't to Ft. Gibson from Ft. Leavenworth? A No, sir.

Q You deny then that you had been in Kansas at all during the war?

A I stated that while I was driving a Government team I went on a trip up to Leavenworth and back to Ft. Gibson.

Q How long were you in Kansas? A Generally made a trip in about 60 days.

Q Did you live in the town of Ft. Gibson through the war? A Yes, sir.

Q Right in the town? A Yes, well part of the time in the town.

Q And where the rest of the time? A Right out in the edge of town where my daddy lived.

Q You lived with him then during the war? A Yes, sir, when I wasn't at work I stopped there.

Q Did you tell the Kern-Clifton Commission that you had remained there with your father during the war? A Yes, sir.

Q Did you introduce any witnesses at all before the Kern-Clifton Commission? A Yes, sir.

- Q Who did you introduce? A I introduced Jack Landrum, Allen Lynch Simon Lynch.
- Q They went in and made statements did they? A No, sir, they wasn't called.
- Q They didn't testify before it? A No, sir.
- Q You say Sam Webber married you to your first wife? A His father
- Q That was in the fall of '66? A In the winter.
- Q Was it before or after Christmas? A It was after Christmas.
- Q About how long after Christmas? A Sometime in January I guess.
- Q Don't you know? A No, it was after, I don't know exactly.
- Q What was your first wife's name? A Ibbie Mays.
- Q Whose daughter was she? A She was David Mays' daughter.
- Q How long after you were married until your first child was born?
- Q First child was born in October, I think, '67.
- Q What was that child's name? A Lottie.
- Q What is her present name? A Lottie pack.
- Q Is she alive? A Yes, sir.
- Q Was she born on Big Creek? A Yes, sir.
- Q Where were you living at that time? A Living there on Big Creek.
- Q Had you a place there at that time? A Yes, sir.
- Q Was that the first place you made on Big Creek? A Yes, sir.
- Q When did you make that place? A I commenced it in the fall, early part of the fall of '66
- Q Before you were married? A Yes, sir.
- Q How far does Jim Martin live from you? A Jim Martin is living about, well I guess it must be a mile and a half, maybe 2 miles.
- Q Was he living there at that time? A No, sir.
- Q About how long after you got there until he came? A I had been there I think about a year.
- Q How far are you from the Kansas line? A It is about 20 miles I guess to the nearest part.
- Q How far do you live from Sam Webber? A Now?
- Q No, then; how far did you live? A About 3 miles.
- Q You located within 3 miles of Sam Webber did you? A Yes, sir.
- Q When did you first see Allen Lynch after the war? A I saw him first at Ft. Gibson right after the war.
- Q Who married you to your second wife? A Young Sam Webber.
- Q What was your second wife's maiden name, Lette? A Lett.
- Q You married her on Big Creek? A Yes, sir.
- Q About what year? A I don't remember just about the year.
- Q You and she were separated? A Yes, sir.
- Q How long did you live with her? A About three or four years.
- Q You had two children born to you? A Yes, sir.
- Q How long until she moved out of the country after you separated?
- Q It may have been 6 months, probably might be a year.
- Q You wasn't in the army during the war? A No, further than a teamster.
- Q Was Sam Webber living up there when you first went up there from Ft. Gibson? A Yes, sir.
- Q What time of the year did you go up there? A It was in the fall.
- Q About what time in the fall? A Pretty early.
- Q As early as September? A Between September and October, somewhere along in there.
- Q Who else was living around up in there at that time?
- Q There was quite a lot of them, I don't know all of them.
- Q Peter Ward living up there at that time? A I don't know, I won't be positive where he was or not.
- Q Name some of the rest of your neighbors besides Sam Webber?
- Q Peter Meigs lived there and Sanders and Whitmires.
- Q You say you have one child with your second wife in Missouri?
- Q Two.
- Q One child though still in Missouri? A Yes, sir.
- Q It went with its mother? A Yes, sir.
- Q Been living with its mother? A Yes, sir.

By Com'r Needles: You say you are separated from Mary Lett are you? A Yes, sir.

Q Get a divorce from her? A No, sir.

Q Was Ida Beck and Harvey Beck born while you were living with Mary Lett? A Yes, sir.

Q Were they both both in the Cherokee Nation? A Yes, sir.

Q Harvey is living now in Missouri? A No, I da.

Q With her mother? A Yes, sir.

Q How long has she been living there? A She has been there about all the time her mother has.

Q Well how long has her mother been there? A She has been there about going on 12 years now.

Q She came very near being born there didn't she, she is only 12 years old? A No, she went since she was born.

ALLEN LYNCH, being sworn by Com'r Needles, testified as follows: By Mr. Smith:

Q State your name? A Allen Lynch.

Q What is your age? A 61 years old.

Q Where do you live? A I live in Vinita.

Q How long have you lived in the Cherokee Nation? A Well, I have been here all the time only when I was out in the army.

Q Lived here all your life? A Yes, sir.

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

Q Recognized citizen? A Yes, sir.

Q Do you know this applicant, Maryland Beck? A Yes, sir.

Q How long have you known him? A I knowed him 5 or 6 years before the war.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Joe Beck.

Q Was Joe Beck a Cherokee Indian? A Yes, sir.

Q Citizen of the Cherokee Nation? A Yes, sir.

Q Were you out of the Nation yourself during the war? A I was in the army, yes, sir.

Q What year did you leave the Cherokee Nation? A I believe I left here in July, '62, if I ~~not~~ make no mistake.

Q When did you return after the war? A I come back here in February, 1866.

Q Were you out of the Cherokee Nation all the time from the time you went out until you returned? A Yes, sir.

Q Were not back in the Nation at any time? A I was back in the Nation during the war when the army was here.

Q Where was this applicant when the war commenced? A He was on Long Prairie.

Q In the Cherokee nation? A Yes, sir.

Q Where did Joe Beck live? A Lived up on Long Prairie; this side of Long Prairie a ways.

Q When did you first see Maryland Beck after you returned here in '66? A First time I saw him was along in the spring of '66, I couldn't tell exactly.

Q You had been here yourself about how long when you saw him?

A I come here in February, I guess it must have been May or June when I saw him.

Q Where did you see him? A At Ft. Gibson.

Q When did you next see him? A It was about a year.

Q Where did you see him then? A First time I saw him I believe I saw him on Grand river after I saw him at Gibson.

Q Have you seen him a few times or often since that time?

A Yes, sir, I have seen him pretty often.

Q Where has he been living? A On Big Creek.

Q You know where he lives now? A Yes, sir.

Q How long has he been living there? A I don't know just how long he has been living where he lives now, but he lived next to the creek from where he is living now when I used to go to see him, when

- Q You know whether he was married at that time or not?
A No, sir, I don't.
- Q Did you see his wife then? A No, sir, I didn't.
- Q About what time in the year was that? A Well, sir, it was, if I recollect right, it was either in May or June, along there. It was along in the spring.
- Q He driving a team was he? A No, sir.
- Q What was he doing? A Him and his father was standing on the bank of the river, and some other parties when we come across.
- Q When did you next see him? A Next time I saw him was about a year after that I reckon, or a year and a half.
- Q Where did you next see him? A Up on Grand river at Simon Lynch's.
- Q You know where he came from at that time? A No, sir, I didn't ask him.
- Q You know where he was living at that time? A No, I don't believe I asked him where he was living.
- Q You know whether he was married at that time? A No, sir, I don't.
- Q Was any one else with him and his father when you saw them?
A Yes, sir, there was two or three women with them, one of them was Sindy Beck, used to be Guss Buffington's wife, and Nancy Taylor over here.
- Q Who was with him at Simon Lynch's? A Let's see now who was with him, I don't remember who was with him; I don't remember only I saw him and two or three with him.
- Q How long after that until you saw him again? A Well I didn't see him then for 6 or 7 years, it might have been longer and might not have been so long.
- Q You wasn't a witness for him before the Kern-Clifton Commission?
A No, sir, he didn't have any I don't think; he asked me to witness for him and I told him I could.
- Q You didn't go in and testify? A I don't think I did.
- Q You know whether he had any witnesses at all or not?
A No, sir, I don't know.
- Q We had about the same sort of investigation as we have now, witnesses came in and testified? A Yes, sir.
- Q And took down what they said? A Yes, sir.
- Q You remember of seeing him down before the Bob Daniels Court?
A I wasn't there.
- Q You wasn't there? A No, sir, I didn't go.
- Q Then it was 6 or 7 years after that that you next saw him?
A Yes, sir, I didn't see him until after we moved on Big Creek.
- Q You wasn't at his house in Ft. Gibson? A No, sir.
- Q Who was with him you at that time? A Me and James Ragsdale and and Art Williams.

SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Smith:

- Q State your name? A Sam Webber.
- Q How old are you? A About 58.
- Q Where do you live? A 2 miles west of here.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Recognized citizen? A Yes, sir.
- Q Do you know this applicant, Maryland Beck? A Yes, sir.
- Q How long have you known him? A I got acquainted with him since the war.
- Q Where did you first get acquainted with him? A On Big Creek.
- Q When? A Along sometime late in the fall of '66 he come there.
- Q Came to where? A Big Creek, ~~there~~ Cherokee Nation.
- Q At what place did you see him on Big Creek, near what place was it, whose house and where was it? A He was to my house and around at other houses that was there, people lived there.
- Q How long did he remain up there about Big Creek? A He just stayed there after he come back.
- Q Who came with him? A An old fellow we used to call Uncle Coosack, goes by John Baldrige now.

- Q You know where Maryland lives now? A He lives there on Big Creek.
- Q How far from you? A It is about 12 or 15 miles, I guess, over there.
- Q How long has he been living in the neighborhood? A Ever since he settled there.
- Q Ever since the fall of '66? A Yes, sir.
- By Com'r Needles: Do you know his wife, Mary? A Yes, sir, I got acquainted with her.
- By Mr. Smith: Did you know whether he and Mary were married or not? A Yes, sir; I married them.
- Q Where did you marry them? A Right at his house.
- Q When, you know about how many years ago? A Not exactly, it has been a good while ago though.
- Q You know whether he and Mary had any children or not? A They had one child when I was ther last. Sat the children and the woman last.
- Q One when you saw them last? A Yes, sir, when I saw her last she had one child then.
- Q Did she go away from here? A Yes, sir, I heard she left, I ain't saw her since.
- Q How long before she left was it before you saw her? A It was quite a little bit before she left that I saw her.
- By Com'r Needles: Do you know how long they lived together as man and wife? A I don't know whether it was 2 years or 3 years.
- Q You know how many children they had born to them? A I hears she had anotherone, I don't know.
- Q You only saw one? A Yes, sir, I only saw one.
- Q You don't recollect about what year it was you married them? A I couldn't tell exactly just what year it was.
- By Mr. Hastings: What was her maiden name? A I don't know what her maiden name was, she was a widow, her husband died there, she was a Lett.
- Q Did she have some children by her first husband? A Yes, sir.
- Q How many? A I couldn't tell you that, I don't know, there was two or three to my knowledge, I don't know exactly.
- Q You don't know whether they were boys or girls? A No, sir, I don't; they was little things, small children, I couldn't tell you.
- Q Was her first husband dead at that time? A Yes, sir, he died there right on the creek.
- Q You know what year he died? A No, sir, I don't; it was along in August though, we was holding association there when he died, but I don't know what year it was.
- Q You don't know what year you married this man? A Can't tell exactly, it has been right smart little bit ago.
- Q It has been a good while since he came up to that country too? A Yes, sir.
- Q But you have a distinct recollection when he first came there? A Yes, sir, we was glad to see anybody come.
- Q He was a stranger to you? A Yes, sir.
- Q What was his first wife's name, was that his first wife? A No, sir.
- Q What was her name? A Ibbie.
- Q Ibbie what? A Mays I guess her daddy was Mays.
- Q What wa her daddy's first name? A Dave Mays.
- Q Was she living there w hen Maryland came up there? A I believe she was, I ain't right certain, I don't know whether he got there first or they got there first.
- Q Where did he marry her? A He married her th re on Big Creek.
- Q You know how long after he came up there until he married her? A No, sir, not exactly.
- Q As much as a year? A I couldn't answer that, because I never paid much attention, I was working out a good deal right the, I had to make something.
- Q Was you a witness for Maryland Beck 5 years ago, before the Karn-

I used to be overin there, but he has moved about a mile or a mile and a half, maybe 2 miles further.

Q How long has it been since you first knew of his liv8 on Big Creek? A It has been about 25. o 6 years, 26 years.

Q Do you know Mary Lett? A His wife?

Q Yes? A No, sir, I didn't know his wife.

Q Have you ever been to his house during the tme that he and Mary were living together? A No, sir. I never went to his house while they were living together, I know where his house was, and passed by there, but I always made my stopping place at Dan Sanders'.

Q Did you ever see them together during the time he was living together? A Yes, sir, I saw them together there at his place

about 24 or 5 years ago, but I wasn't particular acquainted with her.

Q Do you know whether they were man and wife or not, or whether they lived as man and wife or not? A No, sir, I don't.

Q How far was that from where you lived? A I lived then on Grand river.

By Mr. Hastings: Where did you live before the war?

A I lived on Grand river.

Q Where did this man live before the war? A On Long Prairie.

Q How far was that from where you lived A It must have been nearly 30 miles.

Q What wa his owner's name? A Jeo Beck, or Jeff Beck; I was acquainted with his mother and his father and all of his folks.

Q Did you know which one owned this man? Joe Beck is the one I think owned him.

Q Are you certain? A I am not certain whether it was Joe Beck or Jeff Beck, but I know the folks.

Q Have you been to t heir house before the war? A Yes, sir.

Q What sort of a house did they live in? A They lived in a but log house when I used to go t here.

Q How long before the war was that? A 6 or 7 or 8 years; that used to be my route to go in to Hog Eye, what we called "Hog Eye# to our whiskey.

Q It has been 6 or 8 years before the war the last time you were over there? A No, it wasn't the last time I was over there, I was there ~~before~~ the time the troops was over there.

Q Well you mean before the war? A I think it was about 3 or 4 years before the war after that I was up there.

Q You know what his mistress' name was? A No I don't remember just what her name was.

Q You know any other members of the family? A There was Sutt Beck.

Q Well some one of his young masters? A Yes, sir, there was Sutt Beck and I believe Head Beck, I don't re collect just what their names was.

Q That was his young master A That is the ones he called his young master.

Q They were living there at that time? A Before the war?

Q Yes? A Yes, sir, t hey was there before the war.

Q Sutt Beck and Head Beck brothers? A I couldn't tell you whether the are brothers or not, all of them Becks lives right in there, we used to go up in there and I knowed them all by name.

Q Double log house was that? A I don't recollect just now how the house was made.

Q You don't know whether it was boxed up or not? A I don't think it was.

Q First time after the war where was it you saw this party, the applicant? A First time I saw him I met him right there at the river, him and his father right there at the ford of the river where they run the boat across the river at Gibson.

Q That Grand River? A Yes, sir, that's the first place I saw him after the war.

Q How old was he at that time? A I couldn't tell you how old he was, he was big enough to do good work.

Q Was he grown? A He was a young man.

- Clifton Court? A No, sir.
- Q Were you down before what is known as the Bob Daniels court in '71? A Yes, sir, I was down there.
- Q Did you see Maryland Beck down there? A I think I didm, and a whole lot more.
- Q Did you witness for him down there beofe the court?
- A No, sir, I don't think I did.
- Q How far from you on Big Creek did he locate? A Some two or three miles.
- Q Made a place there? A Yes, sir, made a place.
- Q How far was Jim Martin living from him at that time?
- A Little over a half mile, or nearly a mile I reckon.
- Q Did he continue to live there? A Who?
- Q Maryland Beck? A Yes, sir, Jim Martin bought a place just be ow Beck's when he come in.
- Q How long after that until Jim Martin came? A Jim Martin brought 31 head of cattle there in the fall of '67 and left them, and we put up hay for them, and left and moved back in '68.
- Q And Maryland Beck was living there at that time? A Yes, sir.
- By Mr. Smith: You were asked about as to whether you testified for this applicant before the Bob Daniels court, did you see anybody testify for him before the Bob Daniels Court? A No, sir.
- Q Do you know whether he ever had any triel at the Bo Daniels court or not? A He didn't have any as I know of.
- Q You say you saw quite a number of people there at the Bob Daniels court? A Yes, sir.
- Q What were they doing there? A We saw a piece in the papers where they was calling us down there and we made up a big crowd and went there.
- Q What did you do when you got there? A My father and another one or two made applications there and of course they admitted them some way, I couldn't tell you how, I was admitted at the same time, but I can't t ell you just how it was done really.
- Q Do you know how any of these people made applications?
- A I believe Harry still my father and Charley Campbell and my b other Johnson, was admitted all at the same time, but they couldn't find his name on the roll though they say over yonder.
- Q So far as Maryland Beck is concerned, you don't know whether he had anytrial at all or not? A They didn't try all of them I believe.
- By Mr. Hastings: You know whether they tred his case at all or not? A They didn't try all of them, they didn't try his case that day.
- Q Are you willing to say they didn't try his case?
- A If they did I didn't see them.
- Q Well you don't know then? A No, sir.

JOHN LANDRUM, being sworn by Com'r Needles, testified as follows: By Mr. Smith:

- Q State your name? A John Landrum.
- Q What is your age? A 59.
- Q Where do you live? A On Lightning Creek.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know thi s applicant, Maryland Beck? A Yes, sir.
- Q How long have you known him? A Been knowing him before the war, whenewe was boys, little children you might say.
- Q Did you go out of the Cherokee nation during the war or not, yourself? A No, sir, I didn't go out myself.
- Q Where were you duringthe war? A I went out with the soldiers.
- Q You didn't go out yourself, you j,ust went out with the soldiers?
- A No, sir.
- Q When did you get back to the Cherokee Nation? A I got back in '66 in the fall.
- Q When did you first see Maryland Beck after you got back?

A I saw him in Gibson.

Q When? A In '65.

Q What were you doing in Gibson in '65? A I helped haul the Creek Indians from Kansas down to Gibson to their country, the Creek darkies I mean, some of them, a few that was left.

Q Then where did you go after you made that trip? A Went back to Kansas.

Q And then when did you ~~go after you~~ come back to the Cherokee Nation? A In '66.

Q Well how long after you came back here in '66 before you saw Beck? A After I come from -

Q From Kansas here, after you came back in '66 did you see him any time after that? A Yes, sir.

Q Where did you see him then the next time? A I saw him up on Big Creek.

Q When was that? A I think it was, yes it was in '67, if I ain't mistaken, somewhere along there.

Q You know where he lives now? A Yes, sir.

Q Where? A On Big Creek.

Q How long has he been living there? A Ever since he moved there, he has never been away from there to my knowing.

Q When did he move there? A I don't know when I saw him he was there.

By Mr. Hastings: Where was he at in '65 when you saw him?

A At Gibson right on the bank of the river, when we drove up and stopped to camp right at the boat landing.

Q Just standing there? A Yes, sir, by the side of his daddy.

Q His father was right by him? A Yes, sir.

Q Was Allen Lynch down there at that time? A He wan't with me.

Q Did you see him in Ft. Gibson at that time? A He was there after we located to camp he came there in camps.

Q And you saw him? A Yes, sir, I saw him there.

Q What time in '65 was that? A I couldn't tell you just what time it was.

Q Spring or fall or summer? A It was along up in the summer.

Q How many Creek darkies did you take down there? A I took down a couple of families, well I had a man and his family and 2 daughters.

Q What was his name? A One of them was named Recumseh Barnett.

Q What was his wife's name? A I forget his wife's name, I wasn't acquainted with them good enough to remember from that time, it was so long.

Q What was his daughters' name? A One of them I think was named Hannah, I think they called one of them, that's about all I remember of the occurrence.

Q From what place in Kansas did you take them? A Leroy.

Q When were you discharged as a soldier? A Why I wasn't a regular soldier, when they first got up the recruiting office, you know when we first went from the Territory here and was turned loose, freed as they called it, they turned us loose there at Ft. Scott and then we vanished off to shift for ourselves and we went to Mound City.

Q Was that when you was discharged at Ft. Scott? A No, sir.

Q Was you in the regular army? A No, sir.

Q When we was carried out of here by the soldiers, I mean we was turned loose there at Ft. Scott.

Q And you continued to work at Mound City did you? A That's where we went to make a living you know.

Q Were you at Mound City in the spring of '65? A No, sir.

Q Where were you in the spring of '65? A I was at Leroy.

Q And these Creek darkies were all up there? A Yes, sir, they was at Leroy.

Q And you turned them loose at Ft. Gibson? A Yes, sir, that's where we left them.

Q Were you at this man's home in Ft. Gibbons at that time?

- Q No, sir, he didn't have no place then; he was just a young boy, stoppeding I guess with his daddy.
- Q About how old was he? A I couldn't tell you.
- Q How old did he look to be? A I couldn't tell you anything about his age.
- Q Was he 10 years old? A Oh he was over that.
- Q What was his master's name? A Joe Beck.
- Q Where did Joe live before the war? A He lived the other side of Long Prairie.
- Q Was you ever at their house? A Yes, sir, lots of times.
- Q How long before the war was it? A I couldn't tell you, it was a long time.
- Q As much as 10 years? A Yes. We was just small boys then.
- Q Was as much as ten years before the war? A I expect, may be more, it was a good while.
- Q You hadn't seen him then up until '65? A Yes, sir.
- Q Next time you saw him was in '67? A Yes, sir, on Big Creek.
- Q Did he have a place up here then? A Yes, sir.
- Q How far was he living then from where he lives now? A I don't know, about half a mile, hardly that far.
- Q You know whether he was married? A I guess he was married on Big Creek.
- Q He was married when I saw him there.
- Q Was he married when you saw him at Ft. Gibson? A No, sir.
- Q Didn't have a wife at that time? A No, sir.
- Q You testified in the George Thompson case? A No, sir.
- Q Didn't you testify for Alfred Bell? A Yes, sir.
- Q You said you saw him in '66 ere? A Yes, sir.
- Q What time do you think you saw him? A It was in '67.
- Q What time in '67? A -
- By Mr. Smith: If the Court please, I object to this.
- By Com'r Needles: Well it goes to test the witness I think.
- Q By Mr. Hastings: About what time was it? A I think it was in January, it was so said to be January by the people who know better than I do.
- Q You don't know about the months? A Not exactly of course I know them, I am getting old, I forget them; if I don't put down the dates I forget them.
- Q How about the years, do you ever forget them? A I sometimes I have to take time to study for it though.
- Q You didn't witness for this man before the Kern-Clifton court did you? A Yes, sir, I think I did.
- Q You came in and were sworn and made a statement before the Kern-Clifton Court in his behalf did you or not? A Yes, sir.
- Q You told then you saw him in '65 down there did you?
- A They never asked me nothing of that kind.
- Q But you did make a statement? A Yes, sir, but they never asked any questions hardly at all, just asked me did I know him and who he belonged to and what time he went out and how we went out.

Applicant, MARYLAND BECK, re-called and further examined.

- By Mr. Hastings: How long did you and your second wife Mary Lett live together? A Somewheres between 3 and 4 years.
- Q How many children did she have when you married her?
- A She had 2.
- Q What are their names? A Etta and Quill.
- Q She have any others? A No, sir.
- Q How long after you married her until this child for whom you make application was born? A Oh I don't know, it might have been a year probably.
- Q Was that second child born while you were living together, as husband and wife? A Yes, sir.
- Q How long did remain in the neighborhood after you separated?

- A She stayed there pretty near one summer, winter.
- Q And then she left? A Yes, sir.
- Q She take both of these children with her? A Yes, sir.
- Q Both of them are living with her yet? A No, sir.
- Q When did you get this child back from whom you make application?
- A He has been with me a good while, this boy.
- Q How long? A He has been with me a couple or three months.
- Q How old is he now? A He is 10 years old.
- Q Where did he come from? A Come from Springfield.
- Q The other child is in Springfield now? A Yes, sir.
- By Com'r Needles: Why didn't you get the other child when you got this one? A She wouldn't let me have it because it was a girl.
- Q Did she willingly let you have this boy? A Yes, sir.
- Q Was her first husband a citizen? A No, sir.
- Q He was a non-citizen man here? A Yes, sir.
- By Mr. Hastings: How old is Lottie? A Lottie is 30 years old, according to my judgment.
- By Com'r Needles: Did you ever have any child by Ibbie Mays?
- A Yes, sir.

Com'r Needles: Maryland Beck applies for the enrollment of himself and two children, Ida, 12 years of age, and Harvey, 10 years of age; he avers that he was a slave of Joseph Beck, never left the Cherokee Nation during the war, and that he was at Ft. Gibson in the Cherokee Nation in the year 1866; he avers that he has resided in the Cherokee Nation from that day until this. He avers that he was first married to one Ibbie Mays, and that upon the death of Ibbie Mays, he married Mary Lett, a non-citizen, whom he avers is the mother of the children for whom he makes application. He makes proof of his marriage by Elder Webber, who testified that he married him; said Mary Lett and the applicant separated and he has since married one Minnie Sanders, a Cherokee Freedman, whose name is on the roll of 1880. He avers that the oldest child, Ida, is now living with his wife Mary, from whom he has separated, in the state of Missouri; the youngest child, Harvey, is now in his custody and keeping. The fact that the name of Maryland Beck does not appear upon the authenticated roll of 1880 and the further fact that his citizenship is contested by the representatives of the Cherokee Nation, said Maryland Beck and his 2 children, Ida and Harvey, will now be listed for enrollment as Cherokee Freedmen on a doubtful cad; he will be notified by the Commission at his post office address of their decision in the premises.

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 July 10, 1901.

(Signed) T. B. Needles, Commissioner.

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J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case. *J. O. Rosson*
Subscribed and sworn to before me this August 27th, 1901.

J. O. Rosson
Commissioner.

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

FILED
JUN 26 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 26, 1901

Post Office *Cherokee*
District *Cherokee*

1. Name *Maryland Beck* Age *58*

Owner's name
Year *Kb. Page 127* No. *2711* District *Cherokee*

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife *Doubly* Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

2. *Ida Beck* Year *Kb. Page 127* No. *3415* Dist. *Chos.* *12*

3. *Harvey "* Year *Kb. Page 127* No. *3416* Dist. *"* *10*

5. Year _____ Page _____ No. _____ Dist. _____

6. Year _____ Page _____ No. _____ Dist. _____

7. Year _____ Page _____ No. _____ Dist. _____

8. Year _____ Page _____ No. _____ Dist. _____

9. Year _____ Page _____ No. _____ Dist. _____

10. Year _____ Page _____ No. _____ Dist. _____

11. Year _____ Page _____ No. _____ Dist. _____

12. Year _____ Page _____ No. _____ Dist. _____

Application made by *no. 1*

Stenographer *M. D. Green*

no. 1 Ch. Wallace, roll, Page 99 # 2112-22.

Represented by Mellette and Smith

IN PA
COMMISSIONER OF THE GENERAL LAND OFFICE

FILED

SEP 20 1901

ACTING CHAIRMAN

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 190:

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Wendell Dickson for en-
rollment as Cherokee Freedmen.

Cherokee Freedmen #

1884

Wendell Dickson
Atty for applicant

FD. 884

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

day of 9/21, 1901
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.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Maryland Peck
for enrollment as Cherokee citizens:

Case No. D 384

To Maryland Peck or Kelletha & Smith her Attys.

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 Vinita Indian Territory, on Oct. 19th 1901 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 9 20 1901.

L. R. Bell
v. W. Hastings

Attorneys for the Cherokee Nation.

P. D-884.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Maryland Beck for the enrollment of himself et al as Cherokee freedmen.

SUPPLEMENTAL TO D-884.

APPEARANCES:

Mellette & Smith for applicants.
W. V. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a marriage certificate of Maryland Beck to Ebbe Maze recorded January 15, 1867, showing that the said Maryland Beck and Ebbe Maze were united in matrimony by the Rev. Thomas Withlock on the 5th day of January, A. D. 1867, at the residence of C. H. Drake in Scott Township, Bourbon County, Kansas.

MR. SMITH: The applicant objects because the same does not tend to prove any issue in this case.

COMMISSION: This testimony will also be filed with and made a part of the record in the case of Dallas Beck, D-914, who is represented by Mellette & Smith.

Arthur S. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur S. Croninger

Subscribed and sworn to before me this 29th day of May, 1902.

J. R. Kester
Notary Public.

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

FILED
MAY 2 1902



ACTING CHAIRMAN

Mayland Beck

to
Ebbe Maze

Wedded Jan 15th 1867

This may certify that on the 15th day of January A.D. 1867. I joined in matrimony Mr Mayland Beck and Miss Ebbe Maze at the residence of Mr C. H. Drake in Scott Township, Franklin County Kan

in presence of
Louis Beck }
George Beck }

Rev. Thomas Withlock.

State of Kansas

Franklin County

ss Probate Court.

I hereby certify that the above is a true copy of the Marriage Certificate of Mayland Beck to Ebbe Maze as appears of Record in my office, Recorded in Book "A" Page 222 of Marriage Record.

We witnesses whereof, I, Medford J. Smith, Probate Judge and ex-officio Clerk of said Court, have hereunto set my hand and seal of said Probate Court, this 24th day of March A.D. 1902.

Medford J. Smith
Probate Judge

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Maryland Beck, D 884;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

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

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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

In the matter of the application for the enrollment of Maryland Beck, et al., as Cherokee Freedmen, consolidating the applications of--

Maryland Beck, et al.,	Cherokee Freedmen D 884
Lottie Pack,	Cherokee Freedmen D 890
Dallas Beck,	Cherokee Freedmen D 919
Benjamin Beck,	Cherokee Freedmen D 996

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maryland Beck for himself and his minor children, Ida and Harvey Beck; by Lottie Pack for herself; by Dallas Beck for himself; and by Benjamin Beck for himself.

The evidence shows that the principal applicant, Maryland Beck, was the slave of a Cherokee citizen at the commencement of the rebellion; that he remained in said Nation during the rebellion and was residing therein in the fall of 1866. All the other applicants herein were born since 1866 and are the children of said Maryland Beck, claiming right to enrollment through him.

The evidence further shows that said Maryland Beck has resided in the Cherokee Nation continuously since the commencement of the rebellion; and that all the other adult applicants have resided in said Nation all their lives. The residence of said minor applicants is considered to have been the same as that of their father, Maryland Beck.

It is, therefore, the opinion of this Commission that Maryland Beck, Ida Beck, Harvey Beck, Lottie Pack, Dallas Beck and Benjamin Beck should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Bixby,
Chairman.

" T. B. Needles,
Commissioner.

" C. R. Breckinridge,
Commissioner.

" W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this March 5, 1904.

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NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Proc. 3013

Cherokee - 1 - 1 - 14.

Register.

Cherokee Freedmen
D-864 et al.

Muskogee, Indian Territory, March 26; 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Maryland Beck et al., granting the applications for the enrollment of Maryland, Ida, Harvey, Lottie, Dallas and Benjamin Beck as Cherokee freedmen.

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

Respectfully,

Enc. D-12.

Commissioner in Charge.

Cherokee Freedmen
D-884.

Muskogee, Indian Territory, April 14, 1904.

Maryland Beck,

Ruby, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself and your two minor children, Ida and Harvey Beck, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

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

Respectfully,

Register
Enc. D-49

Commissioner in Charge.

Cherokee Freedmen
D-919, D-884

Muskogee, Indian Territory, April 14, 1904.

Edgar Smith,

Attorney for Maryland Beck et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of Maryland Beck et al., granting the applications for the enrollment of Maryland, Ida, Harvey and Dallas Beck as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

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

Respectfully,

Register
Enc. D-48

Commissioner in Charge.

Cherokee Freedmen
D-884 et al.

Muskogee, Indian Territory, April 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Maryland Beck et al., including the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack as Cherokee freedmen.

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

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-81.

(COPY)

Refer in reply
to the following:
Lead
25953-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON
September 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 14, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Maryland Beck for himself and his minor children, Ida and Harvey Beck; by Lottie Pack for herself; by Dallas Beck for himself; and by Benjamin Beck for himself.

March 5, 1904, the Commission decided favorable to the applicants.

The record shows that Maryland Beck has resided in the Cherokee Nation continuously since the beginning of the war of the rebellion; and that all the other adult applicants have resided in the nation all their lives; that they are the children of Maryland Beck and were born since 1866.

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

Very respectfully

A. C. Tonner
Acting Commissioner

M.M.M.
W.

(C O P Y)

D.C. 38761-1904
I.T.D 7678-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.
FHE
J.P.
L.R.S.

October 7, 1904.

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

Gentlemen:

April 14, 1904, you transmitted the record in the consolidated case of Maryland Beck , et al., including your decision of March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack , as Cherokee freedmen.

You also transmitted copy of the protest of the Cherokee Nation against your decision.

Reporting in the matter September 22, 1904, the Acting Commissioner recommended that your decision be approved. A copy of his letter is inclosed.

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

Respectfully ,

1 inclosure.

Thos Ryan
Acting Secretary

COPY.

Cherokee Freedmen
D-884. et al

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-554 et al

Muskogee, Indian Territory, October 25, 1904.

Edgar Smith,

Attorney for Maryland Beck et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey and Dallas Beck, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-884 ~~et al~~

Muskogee, Indian Territory, October 25, 1904.

Maryland Beek,

Ruby, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the application for the enrollment of yourself, and minor children, Ida and Harvey Beek as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

Tamo Birby
Chairman.

Cher Fr 1407

Trans. from Cher Fr D996

Cher Fr 1407

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 1, 1901.

In the matter of the application of Benjamin Beck for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Benmie Beck.
Q Benjamin, Benmie is no name for a man; how old are you Benjamin?
A 22.
Q What is your post-office address? A Rubb.
Q What district do you live in? A Cooweescoowee.
Q Your name on the roll of 1830? A I don't know.
Q Who do you want to enroll besides yourself? A Just myself.
Q What is your father's name? A Maryland Beck.
Q What is your mother's name? A Ibbie, I believe.
Q You claim your citizenship through your father or mother? A
Father.
Q Where were you born? A Cherokee Nation.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Not married? A No sir.
Q Never been married? A No sir.
Q Did you draw what is known as the Kerns-Clifton money? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant found on page 137 #3412 Ben Beck, Cooweescoowee District.

- Q Always lived in the Cherokee nation have you? A Yes sir.

1830 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified;
Wallace roll of citizens of the Cherokee Nation examined and applicant not identified.

Com'r Needles: Benjamin Beck applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1830, but is fully identified upon the Kerns-Clifton roll, and makes satisfactory proof as to residence; he avers that he is a son of Maryland Beck, listed on D card 884, and the testimony taken in the case of Maryland Beck will be made a part of the record in the case at bar, and a copy thereof filed herewith; said Benjamin Beck will now be listed for enrollment as a Cherokee Freedman, on a doubtful card, he will be notified by mail of the decision of the Commission.

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.

Subscribed and sworn to before me this July 15, 1901.



Commissioner.

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11 4/40

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

F. I. 15 72

JUL 1 1901

[Faint handwritten text]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 11 1864*
 Post Office *Chickamauga St*
 District *W.C.*

1. Name *Amos Dick* Age *20*
 Owner's name _____ Citizenship _____
 Year *1864* Page *37* No. *342* District *W.C.*

Parents:

Father *Maryland Beck* Citizenship _____
 Mother *Olga* " " " Citizenship _____

2. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

~~Names of Children~~

	Year	Page	No.	Dist.
3. <i>Robert</i>				
4. <i>Joseph</i>				
5. <i>John</i>				
6. <i>William</i>				
7. <i>George</i>				
8. <i>Samuel</i>				
9. <i>Richard</i>				
10. <i>Benjamin</i>				
11. <i>David</i>				
12. <i>Joseph</i>				

Application made by *Amos Dick* Stenographer *John*

Witnesses: John Beck

X Ref 2844

To be filed in the case of Benjamin Beck, CFD-996.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Maryland Beck for the enrollment of himself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W. Hastings, for the Cherokee Nation.

- Q What is your name? A Maryland Beck.
Q What is your age? A 58 or 9.
Q What is your post-office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and 6 children.
Q Are your five children under age and unmarried? A No sir.
Q Give me the names of those under age and not married? A Ida and Harvey.
Q Ida Beck? A Yes sir.
Q How old is Ida? A 12 years old.
Q How old is Harvey? A 10 years old.
Q Any others? A Yes, my other grown children.
Q You ~~just~~ have just two not grown? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Minnie Beck.
Q Is she a citizen? A Yes sir.
Q Has she been enrolled? A Yes sir.
Q Is her name on the 1880 roll? A Yes sir.
Q Why didn't she enroll these children? A They are not hers.
Q She is not the mother of them? A No sir.
Q How many times have you been married? A 3 times.
Q What was your first wife's name? A Ibbie Mays.
Q Is she living? A No sir.
Q What was your second wife's name? A Mary Beck.
Q What was her name before you married her? A Mary Lett.
Q What is your wife's name? A Minnie.
Q What was her name before you married her? A Minnie Sanders.
Q Who is the mother of Ida Beck? A Mary Lett.
Q Who is the mother of Harvey Beck? A Mary.
BY MR. SMITH:
Q Mr. Beck, ~~xxx~~ who are your witnesses? A Sam Webber, Allen Lynch, Jack Landrum, John Baldrige.
Q Mr. Beck, were you a slave before the war? A Yes sir.
Q Where did you live? A I lived in the Cherokee Nation.
Q Where were you living when the war came up? A I was living in Delaware district in the Cherokee nation.
Q Who was your owner? A Joseph Beck.
Q Was Joseph Beck a Cherokee Indian? A Yes sir.
Q Was he a Cherokee Indian by blood? A Yes sir.
Q Recognized citizen of the Cherokee Nation? A Yes sir.
Q Did you go out of the Cherokee nation during the war or remain here? A I remained here.
Q Where were you in 1866? A I was at Ft. Gibson.
Q Were you at Ft. Gibson during all of the year of 1866? A No sir.
Q Where were you the rest of the time? A I was up on Big Creek, where I live.
Q Where did you stay during the war? A I stayed at Ft. Gibson.
Q How much of 1866 did you spend at Ft. Gibson? A -
Q By Com'r Needles: Ft. Gibson in the Cherokee nation? A Yes sir.
Answer to Mr. Smith's last question: I spent there from the spring to fall.
Q What time did you go to Big Creek? A In the early part of the fall.

Maryland Beck et al 2

- Q ~~What time did you go to Big Creek to see the~~
Where were you during all the time of the war? A I was at Ft. Gibson.
- Q What were you doing down there? A I stayed there.
- Q Did you do any kind of work? A Yes sir, I teamed some for the Government.
- Q How old are you now? A I am 58 or 9 I guess.
- Q Have you any children older than the ones you have applied for here, Ida and Harvey? A Yes sir.
- Q Who are they? A Oldest one is Lottie.
- Q What 's her name now? A Lottie Pack.
- Q Where does she live? A She lived here in the Nation.
- Q Where was she born? A She was born up on Big Creek.
- Q In the Cherokee Nation? A Yes sir.
- Q Where has she lived all the time? A Lived here in the nation.
- Q Any others except Lottie? A Next oldest is Bennie.
- Q Where does Ben live? A He lives with me.
- Q Married or single? A He is single.
- Q Well then who else? A Another boy lives with me, he is married.
- Q What is his name? A Dallas.
- Q Has he any children? A No sir.
- Q Who was the mother of these children, that is these that you have just mentioned? A Ibbie Mays.
- Q The mother of these three grown children? A Yes sir.
- Q Who is the mother of these you have just applied for? A Mary Lett, Mary Beck I call her.
- Q Mary Lett was her maiden name? A Yes sir.
- Q Were you married to Mary Lett? A Yes sir.
- Q Where were you married to her? A On Big Creek.
- Q Have you any certificate of your marriage to her? A No sir.
- Q Who married you? A Sam Webber.
- Q Did you have any license or did you just marry? A No sir, we just married.
- Q Well at that time what had become of your wife, Ibbie, or was Ibbie ever your wife, the mother of the grown children? A She was dead.
- Q Did she die before you married Mary? A Yes sir.
- Q Were you married to Ibbie? A Yes sir.
- Q Have any license? A No sir.
- Q When were you married to her? A I was married there on Big Creek when I said? A Late in the fall of '66.
- Q In the fall of '66? A Yes sir.
- Q Who married you and Ibbie? A Webber.
- Q Have any license or just married? A Just married.
- Q Who did you say is on the 1880 roll, your present wife? A Yes sir.
- Q What is her name? A Minnie.
- Q Where is Mary, the mother of Ida and Harvey? A She is in Missouri some where.
- Q You and she separated? A Yes sir.
- Q Your first wife was dead however before you married this woman Mary? A Yes sir.
- Q Where are these children, Ida and Harvey, with you? A Harvey is with me, and Ida is with her.
- Q Does your wife live in Missouri? A Yes sir.
- Q That is, your former wife, Mary? A Yes sir.
- Q Are you on any of the rolls of the Cherokee nation? A I am on the Kern-Clifton roll and the Wallace roll.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on page 137 #3411 Maryland Beck, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on

Maryland Beck et al 3

Page 99 #2112 Maryland Beck, Illinois District:
Kern Clifton pay roll of citizens of the Cherokee Nation
~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~
pages ~~137~~ #3415 Ida Beck, Cooweescoowee District;
page 137 #3416, Harvey Beck, Cooweescoowee District.

BY COM'R NEEDLES:

- Q Have you any children by your present wife? A No sir.
Q You say she is on the 1880 roll? A Yes sir.
Q You apply for her? A She had done applied.
Q Ibbie Mays was dead before you married Mary Lett? A Yes sir.
Q Mary Lett a citizen? A No sir.
Q She is a non-citizen? A Yes sir.
Q You don't apply for her then? A No sir.
Q Where do I understand you to say you were in the year '66? A Ft. Gibson.
Q You never went out of the Cherokee Nation then before '66?
A No sir.
Q And was here during that year at Ft. Gibson in the Cherokee Nation? A Yes sir.
Q Where was you in 1867? A I was here on Big Creek, in '67.
Q In the Cherokee Nation? A Yes sir.
Q Have you lived continuously in the Cherokee Nation from that time until this? A Yes sir.
Q Never lived out of it? A No sir.
Q Why aint your name on the rollof 1880? A They wouldn't put it on.

BY MR. HASTINGS:

- Q Maryland, what part of the Cherokee Nation did you live in before the war? A I lived in Delaware District.
Q Joe Beck have a wife? A Yes sir.
Q What was her name? A Cynthia.
Q He have any family? A Yes sir.
Q What are some of his family named? A Oldest boy was named Ed. Dud, Luge, Polly, Ary.
Q Did you know Zeke Beck before the war? A Yes sir.
Q How far did he live from you? A About 2 miles.
Q You applied to the Bob Daniels Court in '71 for enrollment didn't you? A Yes sir.
Q You have your witness es there then? A Yes sir.
Q The court refused to enroll you didn't it? A Yes sir, it did not do it.
Q You applied to the Kern-Clifton Commission? A Yes sir.
Q At that time you said that you had been in Kansas during the war didn't you? A No sir.
Q Didn't you state at that time that you came from Ft. Leavenworth after the war to wt. Gibson? A No sir.
Q Didn't you state that you came back from there, but was sent to wt. Gibson from Ft. Leavenworth? A No sir.
Q You deny then that you had been in Kansas at all during the war?
A I stated that while I was driving a Government team I went on a trip up to Leavenworth and back to wt. Gibson.
Q How long were you in Kansas? A Generally mde a trip in about 80 days.
Q Did you live in the town of wt. Gibson through the war? A Yes sir.
Q Right in the town? A Yes, well part of the time in the town.
Q And where the rest of the time? A Right out in the edge of town where my daddy lived.
Q You lived with him during the war? A Yes sir, when I wasn't at work I stopped there.
Q Did you tell the Kern-Clifton Commission that you had remained there with your father during the war? A Yes sir.

Maryland Beck et al 4

- Q Did you introduce any witnesses at all before the Kerns-Clifton Commission? A Yes sir.
- Q Who did you introduce? A I introduced Jack Landrum, Allen Lynch Simon Lynch.
- Q They went in and made statements did they? A No sir, they wasn't called.
- Q They didn't testify before it? A No sir.
- Q You say Sam Webber married you to your first wife? A His father.
- Q That was in the fall of '66? A In the winter.
- Q Was it before or after Christmas? A Some time in January I guess.
- Q About Don't you know? A No, it was after, I don't know exactly.
- Q What was your first wife's name? A Ibbie Mays.
- Q Whose daughter was she? A She was David May's daughter.
- Q How long after you were married until your first child was born? A First child was born in October, I think, '67.
- Q What was that child's name? A Lottie.
- Q What is her present name? A Lottie Pack.
- Q Is she alive? A Yes sir.
- Q Was she born on Big Creek? A Yes sir.
- Q Where were you living at that time? A Living there on Big Creek
- Q Had you a place there at that time? A Yes sir.
- Q Was that the first place you made on Big Creek? A Yes sir.
- Q When did you make that place? A I commenced it in the fall, early part of the fall of '66.
- Q Before you were married? A Yes sir.
- Q How far does Jim Martin live from you? A Jim Martin is living about, well I guess it must be a mile and a half, maybe 2 miles.
- Q Was he living there at that time? A No sir.
- Q About how long after you got there until he came? A I had been there I think about a year.
- Q How far are you from the Kansas line? A It is about 20 miles I guess to the nearest part.
- Q How far do you live from Sam Webber? A Now?
- Q No, then; how far did you live? A About 3 miles.
- Q You located within 3 miles of Sam Webber did you? A Yes sir.
- Q When did you first see Allen Lynch after the war? A I saw him first at Ft. Gibson right after the war.
- Q Who married you to your second wife? A Young Sam Webber.
- Q What was your second wife's maiden name, Lett? A Lett.
- Q You married her on Big Creek? A Yes sir.
- Q About what year? A I don't remember just about the year.
- Q You and she were separated? A Yes sir.
- Q How long did you live with her? A About three or four years.
- Q You had two children born to you? A Yes sir.
- Q How long until she moved out of the country after you separated? A It may have been 6 months, probably might be a year.
- Q You wasn't in the army during the war? A No further than a teamster.
- Q Was Sam Webber living up there when you first went up there from Ft. Gibson? A Yes sir.
- Q What time of the year did you go up there? A It was in the fall.
- Q About what time in the fall? A Pretty early.
- Q As early as September? A Between September and October, somewhere along in there.
- Q Who else was living around up in there at that time? A There was quite a lot of them, I don't know all of them.
- Q Peter Ward living up there at that time? A I don't know, I won't be positive whether he was or not.
- Q Name some of the rest of your neighbors besides Sam Webber? A Peter Meigs lived there and the Sanders and Whitmires.
- Q You say you have one child with your second wife in Missouri? A Two.
- Q One child though still in Missouri? A Yes sir.

Maryland Beck et al 5

- Q It went with its mother? A Yes sir.
Q Been living with its mother? A Yes sir.
BY COM'R NEEDLES:
Q You say you are separated from Mary Lett are you? A Yes sir.
Q Get a divorce from her? A No sir.
Q Was Ida Beck and Harvey Beck born while you were living with Mary Lett? A Yes sir.
Q Were they both born in the Cherokee nation? A Yes sir.
Q Harvey is living now in Missouri? A No, Ida.
Q With her mother? A Yes sir.
Q How long has she been living there? A She has been there about all the time her mother has.
Q Well how long has her mother been there? A She has been there about going on 12 years now.
Q She came very near being born there didn't she, she is only 12 years old? A No, she went since she was born.

ALLEN LYNCH, being sworn by com'r Needles, testified as follows:

BY MR. SMITH:

- Q State your name? A Allen Lynch.
Q What is your age? A 61 years old.
Q Where do you live? A I live in Vinita.
Q How long have you lived in the Cherokee Nation? A Well, I have been here all the time only when I was out in the army.
Q Lived here all your life? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Recognized citizen? A Yes sir.
Q Do you know this applicant, Maryland Beck? A Yes sir.
Q How long have you known him? A I knowed him 5 or 6 years before the war.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Joe Beck.
Q Was Joe Beck a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Were you out of the nation yourself during the war? A I was in the army, yes sir.
Q What year did you leave the Cherokee nation? A I believe I left here in July, '62, if I make no mistake.
Q When did you return after the war? A I come back here in February, '66.
Q Were you out of the Cherokee Nation all of the time from the time you went out until you returned? A Yes sir.
Q Were not back in the Nation at any time? A I was back in the Nation during the war when the army was here.
Q Where was this applicant when the war commenced? A He was on Long Prairie.
Q In the Cherokee Nation? A Yes sir.
Q Where did Joe Beck live? A Lived up on Long Prairie; this side of Long Prairie always.
Q When did you first see Maryland Beck after you returned here in '66? A First time I saw him was along in the spring of '66, I couldn't tell exactly.
Q You had been here yourself about how long when you saw him? A I come here in February, I guess it must have been May or June when I saw him.
Q Where did you see him? A At Ft. Gibson.
Q When did you next see him? A It was about a year.
Q Where did you see him then? A First time I saw him I believe I saw him on Grand river after I saw him at Gibson.
Q Have you seen him a few times or often since that time? A Yes sir I have seen him pretty often.
Q Where has he been living? A On Big Creek.

- Q You know where he lives now? A Yes sir.
- Q How long has he been living there? A I don't know just how long he has been living where he lives now, but he lived next to the Creek from where he is living now when I used to go to see him, when I used to be over in there, but he has moved about a mile or a mile and a half, maybe 2 miles further.
- Q How long has it been since you first knew of his living on Big Creek? A It has been about 25 or 6 years, 25 years.
- Q Do you know Mary Lett? A His wife?
- Q Yes? A No sir, I didn't know his wife.
- Q Have you ever been to his house during the time that he and Mary were living together? A No sir. I never went to his house while they were living together, I know where his house was, and passed by there, but I always made my stopping place at Dan Sanders'.
- Q Did you ever see them together during the time he was living together? A Yes sir, I saw them together there at his place about 24 or 5 years ago, but I wasn't particular acquainted with her.
- Q Do you know whether they were man and wife or not, or whether they lived as man and wife or not? A No sir, I don't.
- Q How far was that from where you lived? A I lived then on Grand river.
- BY MR. HASTINGS:
- Q Where did you live before the war? A I lived on Grand river.
- Q Where did this man live before the war? A On Long Prairie.
- Q How far was that from where you lived? A It must have been nearly 30 miles.
- Q What was his owner's name? A Joe Beck, or Jeff Beck; I was acquainted with his mother and his father and all of his folks.
- Q Did you know which one owned this man? A Joe Beck is the one I think owned him.
- Q Are you certain? A I am not certain whether it was Joe Beck or Jeff Beck, but I know the folks.
- Q Have you been to their house before the war? A Yes sir.
- Q What sort of a house did they live in? A They lived in a hut, log house when I used to go there.
- Q How long before the war was that? A 6 or 7 or 8 years; that used to be my route to go in to Hog Eye, what was called "hog Eye", to our whiskey.
- Q It has been 6 or 8 years before the war the last time you were over there? A No, it wasn't the last time I was over there, I was there time the troops was over there.
- Q Well you was an before the war? A I think it was about 3 or 4 years before the war after that I was up there.
- Q You know what his mistress' name was? A No I don't remember just what her name was.
- Q You know any other members of the family? A There was Sutt Beck
- Q Well some one of his young masters? A Yes sir, there was Sutt Beck and I believe Head Beck, I don't recollect just what their names was.
- Q That was his young master? A That is the ones he called his young master.
- Q They were living there at that time? A Before the war?
- Q Yes? A Yes sir, they was there before the war.
- Q Sutt Beck and Head Beck brothers? A I couldn't tell you whether they are brothers or not, all of them Becks lives right in there, we used to go up in there and I knowed them all by name.
- Q Double log house was that? A I don't recollect just how the house was made.
- Q You don't know whether it was boxed up or not? A I don't think it was.
- Q First time after the war where was it you saw this party, the applicant? A First time I saw him I met him right there at the river, him and his father right there at the ford of the river

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where they run the boat across the river at Gibson.

Q That Grand river? A Yes sir, that's the first place I saw him after the war.

Q How old was he at that time? A I couldn't tell you how old he was, he was big enough to do good work.

Q Was he grown? A He was a young man.

Q You know whether he was married at that time or not? A No sir, I don't.

Q Did you see his wife then? A No sir, I didn't.

Q About what time in the year was that? A Well, sir, it was, if I recollect right, it was either in May or June, along there. It was along in the spring.

Q He driving a team was he? A No sir.

Q What was he doing? A Him and his father was standing on the bank of the river, and some other parties when we come across.

Q When did you next see him? A Next time I saw him was about a year after that I reckon, or a year and a half.

Q Where did you next see him? A Up on Grand river at Simon Lynch's

Q You know where he came from at that time? A No sir, I didn't ask him.

Q You know where he was living at that time? A No, I don't believe I asked him where he was living.

Q You know whether he was married at that time? A No sir, I don't.

Q Was any one else with him and his father when you saw them? A Yes sir, there was two or three women then with them, one of them was Sindy Beck, used to be Guss Buffington's wife, and Nancy Taylor, over here.

Q Who was with him at Simon Lynch's? A Let's see now who was with him? I don't remember who was with him; I don't remember only I saw him and two or three with him.

Q How long after that until you saw him again? A Well I didn't see him then for 6 or 7 years, it might have been longer or might not have been so long.

Q You wasn't a witness for him before the Kern-Clifton Commission?

A No sir, he didn't have any I don't think; he asked me to witness for him and I told him I would.

Q You didn't go in and testify? A I don't think I did.

Q You know whether he had any witnesses at all or not? A No sir, I don't know.

Q We had about the same sort of investigation as we have now, witnesses came in and testified? A Yes sir.

Q and took down what they said? A Yes sir.

Q You remember of seeing him down before the Bob Daniels Court?

A I wasn't there.

Q You wasn't there? A No sir, I didn't go.

Q Then it was 6 or 7 years after that that you next saw him? A Yes sir, I didn't see him until after we moved on Big Creek.

Q You wasn't at his house in Ft. Gibson? A No sir.

Q Who was with you at that time? A Me and James Ragsdale and Art Williams.

SAM WEBBER, being sworn by com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A 2 miles west of here.

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

Q Recognized citizen? A Yes sir.

Q Do you know this applicant, Maryland Beck? A Yes sir.

Q How long have you known him? A I got acquainted with him since ~~the war~~ the war.

Q Where did you first get acquainted with him? A On Big Creek.

Q When? A Along some time late in the fall of '66 he come there.

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Q Came to where? A Big Creek, Cherokee nation.

Q At what place did you see him on Big Creek, near what place was it, whose house or where was it? A He was to my house and around at other houses that was there, people lived there.

Q How long did he remain up there about Big Creek? A He just stayed there after he come back.

Q Who come with him? A An old fellow we used to call Uncle Coo-sack, goes by John Baldridge now.

Q You know where Maryland lives now? A He lives there on Big Creek.

Q How far from you? A It is about 12 or 13 miles, I guess, over there.

Q How long has he been living in the neighborhood? A Ever since he settled there.

Q Ever since the fall of '66? A Yes sir.

BY COM'R NEEDLES:

Q Do you know his wife, Mary? A Yes sir, I got acquainted with her.

BY MR. SMITH:

Q Did you know whether he and Mary were married or not? A Yes sir, I married them.

Q Where did you marry them? A Right at his house.

Q When, you know about how many years ago? A Not exactly, it has been a good while ago though.

Q You know whether he and Mary had any children or not? A They had one child when I was there 1st. Saw the child and the woman 1st.

Q One when you saw them last? A Yes sir, when I saw her last she had one child then.

Q Did she go away from here? A Yes sir, I heard she left, I aint saw her since.

Q How long before she left was it before you saw her? A It was quite a little bit before she left that I saw her.

BY COM'R NEEDLES:

Q Do you know how long they lived together as man and wife? A I don't know whether it was 2 years or 3 years.

Q You know how many children they had born to them? A I heard she had another one, I don't know.

Q You only saw one? A Yes sir, I only saw one.

Q You don't recollect about what year it was you married them?

A I couldn't tell exactly just what year it was.

BY MR. ASTINGS:

Q What was her maiden name? A I don't know what her maiden name was, she was a widow, her husband died there, she was a Lett.

Q Did she have some children by her first husband? A Yes sir.

Q How many? A I couldn't tell you that, I don't know, there was two or three to my knowledge, I don't know exactly.

Q You don't know whether they were boys or girls? A No sir, I don't; they was little things, small children, I couldn't tell you.

Q Was her first husband dead at that time? A Yes sir, he died there right on the Creek.

Q You know what year he died? A No sir, I don't; it was along in August though, we was holding association there when he died, but I don't know what year it was.

Q You don't know what year you married this man? A Can't tell exactly, it has been right smart little bit ago.

Q It has been a good while since he came up to that country too?

A Yes sir.

Q But you have a distinct recollection when he first came there?

A Yes sir, we was glad to see anybody come.

Q He was a stranger to you? A Yes sir.

Q What was his first wife's name, was that his first wife? A No sir.

Q What was her name? A Ibbie.

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Q Ibbie what? A Maye I guess her daddy was Mays.

Q What was her daddy's first name? A Dav Mays.

Q Was she living there when Maryland came up there? A I believe she was, I aint right certain, I don't know whether he got there first or they got there first.

Q Where did he marry her? A He married her there on Big Creek.

Q You know how long after he came up until he married her? A No sir, n t exactly.

Q As much as a year? A I couldn't answer that, because I never paid much attention, I was working out a good deal right then, I had to make some thing.

Q Was you a witness for Maryland Beck 5 years ago, before the Vern-Clifton court? A No sir.

Q Were you down before what is known as the Bob Daniels court in '71? A Yes sir, I was down there.

Q Did you see Maryland ~~and~~ Beck down there? A I think I did, and a whole lot more.

Q Did you witness for him down there before that court? A No sir, I don't think I did.

Q How far from you on Big Creek did he locate? A Some two or three miles.

Q Made a place there? A Yes sir, made a place.

Q How far was Jim Martin living from him at that time? A Little over a half mile, or nearly a mile I reckon.

Q Did he continue to live there? A Who?

Q Maryland Beck? A Yes sir, Jim Martin bought a place just below Beck's where he come in.

Q How long after that until Jim Martin came? A Jim Martin brought 31 head of cattle there in the fall of '67 and left them, and we put up hay for them, and left and moved back in '68.

Q And Maryland Beck was living there at that time? A Yes sir.

BY MR. SMITH:

Q You were asked about as to whether you testified for this applicant before the Bob Daniels court, did you see anybody testify for him before the Bob Daniels court? A No sir.

Q Do you know whether we ever had any trial at the Bob Daniels court or not? A He didn't have any as I know of.

Q You say you saw quite a number of people there at the Bob Daniels court? A Yes sir.

Q What were they doing there? A We saw piece in the papers where they was calling us down there and we made up a big crowd and went there.

Q What did you do when you got there? A My father and another one or two made applications there and of course they admitted them some way, I couldn't tell you how, I was admitted at the same time, but I can't tell you just how it was done really.

Q Do you know how many of these people made applications? A I believe Harry Still my father and Charley Campbell and my brother, Johnson, was admitted all at the same time, but they couldn't find his name on the roll though they say, over ponder.

Q So far as Maryland Beck is concerned, you don't know whether he had any trial at all or not? A They didn't try all of them I believe.

BY MR. HASTINGS:

Q You know whether they tried his case at all or not? A They didn't try all of them, they didn't try his case that dat.

Q Are you willing to say they didn't try his case? A If they did I didn't see them.

Q Well you don't know then? A No sir.

JOHN LANDRUM, being sworn by Com'r Needles, testified as follows

BY MR. SMITH:

Q State your name? A John Landrum.

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- Q What is your age? A 59.
- Q Where do you live? A On Lightning Creek.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know this applicant, Maryland Beck? A Yes sir.
- Q How long have you known him? A Been knowing him before the war, when we was boys. Little children you might say.
- Q Did you go out of the Cherokee Nation during the war or not, yourself? A No sir, I didn't go out myself.
- Q Where were you during the war? A I went out with the soldiers.
- Q You didn't go out yourself, you just went out with the soldiers? A No sir.
- Q When did you get back to the Cherokee Nation? A I got back in '66 in the fall.
- Q When did you first see Maryland Beck after you got back? A I saw him in Gibson.
- Q When? A In '65.
- Q What were you doing in Gibson in '65? A I helped haul the Creek Indians from Kansas down to Gibson to their country the Creek darkies I mean, some of them, a few that was left.
- Q Then where did you go after you made that trip? A Went back to Kansas.
- Q And then when did you come back to the Cherokee Nation? A In '66.
- Q Well how long after you came back here in '66 before you saw Beck? A After I come back from-
- Q From Kansas here, after you came back in '66 did you see him any time after that? A Yes sir.
- Q Where did you see him the next time? A I saw him up on Big Creek.
- Q When was that? A I think it was, yes it was in '67, if I aint mistake n, some wheres along there.
- Q You know where he lives now? A Yes sir.
- Q Where? A On Big Creek.
- Q How long has he been living there? A Ever since he moved there, he has never been away from there to my knowledge.
- Q When did he move there? A I don't know, when I saw him he was there.
- BY MR. HASTINGS:
- Q Where was he at in '65 when you saw him? A At Gibson. Right on the bark of the river, when we drove up and stopped to camp right at the boat landing.
- Q Just standing there? A Yes sir. By the side of his daddy.
- Q His father was right by him? A Yes sir.
- Q Was Allen Lynch down there at that time? A He wasn't with me.
- Q Did you see him in Ft. Gibson at that time? A He was there after we located to camp he came there in camps.
- Q And you saw him? A Yes sir, I saw him there.
- Q What time in '65 was that? A I couldn't tell you just what time it was.
- Q Spring or fall or summer? A It was along up in the summer.
- Q How many Creek darkies did you take down there? A I took down a vouple of families, well I had a man and his family and 2 daughters.
- Q What was his name? A One of them was named Tecumseh Barnett.
- Q What was his wife's name? A I forget his wife's name I wasn't acquainted with them good enough to remember from that time, it was so long.
- Q What was his daughters' name? A One of them I think was named Hannah, I think they called one of them, that's about all I remember of the occurrence.
- Q From what place in Kansas did you take them? A Leroy.
- Q When were you discharged as a soldier? A Why I wasn't a regular soldier, when they first got up the recruiting office, you know

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when we first went from the Territory here and was turned loose, freed as they called it, they turned us a loose there at Ft. Scott and then we vanished off to shift for ourselves and we went to Mound City.

Q Was that when you was discharged at Ft. Scott? A No sir.

Q Was you in the regular army? A No sir. When we was carried out of here by the soldiers, I mean we was turned loose there at Ft. Scott.

Q And you continued to work at Mound City did you? A That's where we went to make a living you know.

Q Were you at Mound City in the spring of '65? A No sir.

Q Where were you in the spring of '65? A I was at Leroy.

Q And these Creek darkies were all up there? A Yes sir, they was ~~where we left them~~ at Leroy.

Q And you turned them a loose at Ft. Gibson? A Yes sir, that's where we left them.

Q Were you at this man's home in Ft. Gibson at that time? A No sir. He didn't have no place then; he was just a young boy, stopping I guess with his daddy.

Q About how old was he? A I couldn't tell you.

Q How old did he look to be? A I couldn't tell you anything about his age.

Q Was he 10 years old? A Oh he was over that.

Q What was his master's name? A Joe Beck.

Q Where did Joe live before the war? A He lived the other side of Long Prairie.

Q Was you ever at their house? A Yes sir, lots of times.

Q How long before the war was it? A I couldn't tell you, it was a long time.

Q As much as ten years? A Yes. We was just small boys then.

Q Was as much as ten years before the war? A I expect, may be more, it was a good while.

Q You hadn't seen him then up until '65? A Yes sir.

Q Next time you saw him was in '67? A Yes sir, on Big Creek.

Q Did he have a place up there then? A Yes sir.

Q How far was he living then from where he lives now? A I don't know, about half a mile, hardly that far.

Q You know whether he was married? A I guess he was married on Big Creek. He was married when I saw him there.

Q Was he married when you saw him at Ft. Gibson? A No sir.

Q Didn't have a wife at that time? A No sir.

Q You testified in the George Thompson case? A No sir.

Q Didn't you testify for Alfred Bell? A Yes sir.

Q You said you saw him in '66 here? A Yes sir.

Q What time do you think you saw him? A It was in '67.

Q What time in '67? A -

MR. SMITH: If the Court please, I object to this.

BY COM'R NEEDLES: Well it goes to test the witness I think.

Q BY MR. FASTINGS: About what time was it? A I think it was in January, it was so said to be January by the people who know better than I do.

Q You don't know about the months? A Not exactly, of course I know them, and I am getting old, I forget them; id I don't put down the dates I forget them.

Q How about the years, do you ever forget them? A I sometimes, I have to take time to study for it though.

Q You didn't witness for this man before the Kern-Clifton court did you? A Yes sir, I think I did.

Q You came in and were sworn and made a statement before the Kerns Clifton court in his behalf did you or not? A Yes sir.

Q You told them that you saw him in '65 down there did you? A They never asked me nothing of that kind.

Q But you did make a statement? A Yes sir, but they never asked me any questions hardly at all, just asked me did I know him and who

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he belonged to and what time he went out and how we went out.

Applicant, MARYLAND BECK, re-called and further examined:

BY MR. HASTINGS:

- Q How long did you and your second wife Mary Lett live together?
A Somewhere between 3 and 4 years.
Q How many children did she have when you married her? A She had two
Q What are their names? A Etta and Quill.
Q She have any others? A No sir.
Q How long after you married her until this child for whom you make application was born? A Oh I don't know, it might have been a year probably.
Q Was that second child born while you were living together as husband and wife? A Yes sir.
Q How long did she remain in the neighborhood after you separated?
A She stayed there pretty near one summer, winter.
Q And then she left? A Yes sir.
Q She take both of these children with her? A Yes sir.
Q Both of them are living with her yet? A No sir.
Q When did you get this child back for whom you make application?
A He has been with me a good while, the boy.
Q How long? A He has been with me a couple or three months.
Q How old is he now? A He is 10 years old.
Q Where did he come from? A Come from Springfield.
Q The other child is in Springfield now? A Yes sir.

BY COM'R NEEDLES:

- Q Why didn't you get the other child when you got this one? A She wouldn't let me have it because it was a girl.
Q Did she willingly let you have this boy? A Yes sir.
Q Was her first husband a citizen? A No sir.
Q He was a non-citizen man, was he? A Yes sir.

BY MR. HASTINGS:

- Q How old is Lottie? A Lottie is 30 years old, according to my judgment.

BY COM'R NEEDLES:

- Q Did you ever have any child by Ibbie Mays? A Yes sir.

Com'r Needles: Maryland Beck applies for the enrollment of himself and two children, Ida, 12 years of age, and Harvey 10 years of age; he avers that he was a slave of Joseph Beck, never left the Cherokee Nation during the war, and that he was at Ft. Gibson in the Cherokee Nation in the year 1866; he avers that he has resided in the Cherokee Nation from that day until this. He avers that he was first married to one Ibbie Mays, and that upon the death of Ibbie Mays he married Mary Lett, a non-citizen, whom he avers is the mother of the children applied for whom he makes application. He makes proof of his marriage, by Elder Webber, who testified that he married him; said Mary Lett and the applicant separated and he has since married one Minnie Sanders, a Cherokee Freedman, whose name is on the roll of 1880. He avers that the oldest child, Ida, is now living with his wife Mary, from whom he has separated, in the State of Missouri; the youngest child, Harvey, is now in his custody and keeping. The fact that the name of Maryland Beck does not appear upon the authenticated roll of 1880 and the further fact that his citizenship is contested by the representatives of the Cherokee Nation, said Maryland Beck and his 2 children, Ida and Harvey will now be listed for enrollment as Cherokee Freedmen on a doubtful card; he will be notified by the Commission at his post-office address of their decision in the premises.

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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 ~~copy~~ transcript of his stenographic notes thereof
(signed) M.D.Green.

Subscribed and sworn to before me this July 10, 1901.

(signed) T.B. Needles,

Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green

Subscribed and sworn to before me this August 30th, 1901.



Commissioner.

AFFIDAVIT.

7
UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

In the matter of the application of Benjamin
Beck
for enrollment as a Cherokee Freedman.

No. F. D. 996

Henry Pack of lawful age, being duly sworn on
oath states that on the 20th day of September, A. D. 1901, he registered
to Benjamin Beck whose postoffice is Ruby
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fork Gibson Indian Territory;
and that on the 30th day of September, 1901, he received the return
card which is hereto attached, signed by the said Benjamin Beck showing
that he had received said notice.

Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

Henry Pack
J. C. Starr

Notary Public.

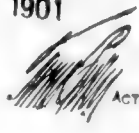
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510996

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

FILED

69 2 1901



ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Benjamin Beck
for enrollment as Cherokee Freedmen:

Case No. F. D. 996

To Benjamin Beck Ruby I. T.

filed
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 Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Viola Indian Territory, on Oct 19th 1901 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 Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. N. Hastings

J. C. Dawson

Attorneys for the Cherokee Nation.

Supl. Order, C.F.-D.#847

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Benjamin Beck, C.F.-D.#996, as a Cherokee Freedman, made by request of Mr. Davenport, of Counsel for Cherokee Nation:

Com'r Needles: In the matter of the application of Benjamin Beck, D-996, the testimony taken in D-884 will be made part of the record.

---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. O. Rosson

Subscribed and sworn to before me this October 25th, 1901.

[Signature]

Commissioner.

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

In the matter of the application for the enrollment of Maryland Beck, et al., as Cherokee Freedmen, consolidating the applications of

Maryland Beck, et al.,...	Cherokee Freedmen	D 884
Lottie Pack,.....	"	D 890
Dallas Beck,.....	"	D 919
Benjamin Beck,.....	"	D 996

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

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maryland Beck for himself and his minor children, Ida and Harvey Beck; by Lottie Pack for herself; by Dallas Beck for himself; and by Benjamin Beck for himself.

The evidence shows that the principal applicant, Maryland Beck, was the slave of a Cherokee citizen at the commencement of the rebellion; that he remained in said Nation during the rebellion and was residing therein in the fall of 1866. All the other applicants herein were born since 1866 and are the children of said Maryland Beck, claiming right to enrollment through him.

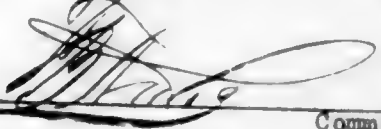
The evidence further shows that said Maryland Beck has resided in the Cherokee Nation continuously since the commencement of the rebellion; and that all the other adult applicants have resided in said Nation all their lives. The residence of said minor applicants is considered to have been the same as that of their father, Maryland Beck.

It is, therefore, the opinion of this Commission that Maryland Beck, Ida Beck, Harvey Beck, Lottie Pack, Dallas Beck and Benjamin Beck should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 23, 1898 (30 Stats., 495), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

this MAR 5 1904

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

In the matter of the application for the enrollment of Maryland Beck
et al as Cherokee Freedman.

Cherokee F. D. 884.

P R O T E S T.

The Cherokee Nation respectfully protests against the decision of
the Commission in this case and prays an appeal to the Honorable Secretary
of the Interior.

A R G U M E N T.

The applicant in this case states ~~that~~ in 1901 at the time he made
his application to this Commission for enrollment that he was 58 or 59
years old and that he belonged to a citizen of the Cherokee Nation at
the Commencement of the Rebellion and that he continued to reside in the
Cherokee Nation ever since that time. That he was married in the fall of
1866 on Big Creek in the Cherokee Nation and he introduces three witnesses
to substantiate his statements..

This is one of our best opportunities to call the attention of the
Honorable Secretary of the Interior, to the nature of the baseness of
this freedmen testimony that we know of.

Maryland Beck swears that he that he was married to his first wife
Ibbie wayer on Big Creek in the Cherokee Nation by Samuel Webber. Samuel
Webber comes on the stand and testifies to about the same statement of
facts. They bring two other disreputable freedmen to the stand to cor-
roborate them and for that matter it is generally known and conceded
that they could have brought as many of these freedmen before the Com-
mission as witnesses to testify to any state of facts as they wanted
or any statement of facts that they desired to prove. But now lets see
whether Maryland Beck did live in the state of Kansas some, which he de-
nies most strenuously. The Cherokee Nation offered in evidence a marriage
certificate showing that Maryland Beck was married to Ibbie Wayer by Rev

Thomas Withlock on the 5th day of January 1867, in Bourbon County, Kansas at the residence of C. H. Drake; now the names of the parties are the same because the wife of Maryland Beck was named Ibbie Mayes and Ibbie Mayes was the daughter of David Mayes a Freedman who went to Kansas during the war. This testimony shows to the Department how the Cherokees and the Cherokee Nation are being robbed by perjured testimony..

Oftentimes these Cherokee Freedmen who care not a snap of their finger for their oaths testify for other freedmen and the Department must be wellaware that because of the long number of years that have intervened it is difficult to disprove directly these statements. In this case they swear positively that Maryland Beck was never in Kansas; that he was always in the Cherokee Nation that he was in Fort Gibson during the whole of the year 1866 and each succeeding year after that time. They all swear that he was married on Big Creek in the Cherokee Nation and that Sam Webber married them. Now the Department will notice that they have committed wilful perjury by attempting to conceal the fact that Maryland Beck was ever in Kansas because the record testimony shows that he married in Kansas and that the Marriage license were recorded January 15, 1867 or dangerously near the time within which he must have returned to the Cherokee nation. He was not married by Samuel Webber but by Thomas Wethlock in Kansas.

The Cherokee Nation has never objected to the admission of the freedmen who by honest testimony shows that they complied with the provisions of the treaty of 1866 but it does most strenuously object to the admission of Freedmen upon testimony which is shown to be perjured like this.

If this man had an honest case, if he were rightfully entitled to be admitted there would have been no necessity for him to have resorted to perjury.

Again the testimony in this case shows that the applicant was given a fair trial in 1871, only a few years after the war when there were plenty of witnesses whose memories were fresh as to the exact date of the return of the applicant; then it was not clouded in mystery, when it was not left to a few colored men to walk up blindly and swear "66" and dare the Cherokee Nation to dispute it because their statements at that time could be ~~met~~ met and easily refuted and after such a trial as was then had these applicants were rejected and whether or not this rejection or Judgment adverse to applicants by the Cherokee court controls the Department in this case it should at least be strongly persuasive that the applicants did not comply with the treaty and were unable at that time to produce witnesses showing that they were entitled to be admitted. We therefore submit that this decision of the Law Commission should be reversed.

Respectfully,

W. W. H. King
Cher. Nation.

RECEIVED
MAR 24 1902

[Handwritten signature]
THOMAS H. HUGHES

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Benjamin Peck,

Secretary, I. T.

Cherokee - - - - -

...

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen
D-384 et al.

Muskogee, Indian Territory, March 26, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Maryland Beck et al., granting the applications for the enrollment of Maryland, Ida, Harvey, Lottie, Dallas and Benjamin Beck as Cherokee freedmen.

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

Respectfully,

Enc. D-12.

Commissioner in Charge.

Cherokee Freedmen
D-996.

Muskogee, Indian Territory, April 14, 1904.

Benjamin Beck,

Ruby, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 5, 1904, granting, among others, your said application.

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

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

Respectfully,

Register
Enc. D-46.

Commissioner in Charge.

(COPY)

Refer in reply
to the following:
Land
25953 1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON
September 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 14, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Maryland Beck for himself and his minor children, Ida and Harvey Beck; by Lottie Pack for herself; by Dallas Beck for himself; and by Benjamin Beck for himself.

March 5, 1904, the Commission decided favorable to the applicants.

The record shows that Maryland Beck has resided in the Cherokee Nation continuously since the beginning of the war of the rebellion; and that all the other adult applicants have resided in the nation all their lives; that they are the children of Maryland Beck and were born since 1866.

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

Very respectfully

A. C. Tonner
Acting Commissioner

M.M.M.
W.

(COPY)

D.C. 38761-1904
I.T.D 7678-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.
PHE
J.P.
L.R.S.

October 7, 1904.

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

Gentlemen:

April 14, 1904, you transmitted the record in the consolidated case of Maryland Beck , et al., including your decision of March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack , as Cherokee freedmen.

You also transmitted copy of the protest of the Cherokee Nation against your decision.

Reporting in the matter September 22, 1904, the Acting Commissioner recommended that your decision be approved. A copy of his letter is inclosed.

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

Respectfully ,

1 inclosure.

Thos Ryan
Acting Secretary

COPY

Cherokee Freedmen
D-884. et al

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Maryland, Ida, Harvey, Dallas and Benjamin Beck and Lottie Pack, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-999

Muskogee, Indian Territory, October 25, 1904.

Benjamin Beck,

Ruby, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 7, 1904.

Respectfully,

Yamoc D. Ruby
Chairman.

REGISTRY RECEIPT

Post Office at

Registered Letter
Parcel

No.

Rec'd

190

of

addressed to

Hubbard Ross, P. M.

P. M.

F. GIBSON I.T.
SEP 20 1901

Cher Fr 1408

Trans. from Cher Fr D 315

Cher Fr 1408

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16, 1901.

In the matter of the application of William Martin for enrollment as a Cherokee Freedman.

William Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A William Martin.
- Q What is your age? A I was born in '61.
- Q How old would you be? A Something over 40 I judge.
- Q What is your post office address? A Catoosa.
- Q What district do you live in? A In Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you want to enroll besides yourself? A Just myself.
- Q Have you ever been recognized as a Cherokee Freedman by the Cherokee authorities? A Have until to-day.
- Q Is your name on the roll of 1880? A I think it is.
- Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A Quite a number of years.
- Q What do you call quite a number of years? A I went to school in Kansas when I was a boy, and then from that on I lived in the Cherokee Nation.
- Q Where were you born? A In the Cherokee Nation.
- Q What is your father's name? A Joe Martin.
- Q Is he living? A No, sir.
- Q What is your mother's name? A She goes by the name of Jane Claggett now.
- Q Is she living? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Don't apply for your wife? A No, sir.
- Q Just apply for yourself? A Just for myself.
- Q Is your name to be found on the Kerns-Clifton roll? A Yes, sir. The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon. The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon. The Kerns-Clifton roll examined, and the applicant identified thereon, page 101, No. 2539, Cooweescoowee district.
- Q Is your name found on the Wallace roll? A Yes, sir. The Wallace roll examined, and the applicant identified thereon page 126, No. 2644, Cooweescoowee district, as Wm. Martin.
- By Edgar Smith, attorney for applicant: You say Jane Claggett is your mother? A Yes, sir.
- Q You were born you say in the Cherokee Nation? A Yes, sir.
- Q You mentioned having gone to school in Kansas; about what age were you ~~sent~~ when you went to school in Kansas? A I was something between eight and ten years old I judge, very small.
- Q When you were a boy? A When I was a boy, yes, sir.
- Q At that time where was your mother living? A At that time she was living in Kansas too.
- Q Well, you state your post office address is Catoosa; how long have you been living in the Cherokee Nation? A Ever since I came back from school, I was about 15 when I came back from school.
- Q Do you know how long you were at school in Kansas? A No, sir, I don't.
- Q Have you any improvements, farms, places, in the Cherokee Nation? A Yes, sir, I have a good farm.
- Q Where is it? A Situated close to Catoosa.
- Q How long have you had it? A Oh, had it for a number of years.
- Q About how many? A Well, I have had it for about six years anyway.
- Q Did you ever own any property in the Cherokee Nation before that?

William Martin - 2.

A Yes, sir.

Q What was that? A It was a farm.

Q How long since you acquired the first farm? A About ten years.

Q Have you ever voted in the Cherokee election? A Yes, sir.

Q Have you ever had anything to do with the Cherokee courts in any way? A No, sir, only to enroll.

Q Where did you go from when you went to Kansas to go to school?

A I went from the Cherokee Nation.

Q What part of the Cherokee Nation? A I can't tell you.

Q You were small at that time? A Yes, sir, I don't remember; my mother will have to answer that.

By L. B. Bell, Cherokee Attorney: Did your mother take you from the Cherokee Nation to go to school in Kansas? A Yes, sir, I suppose so.

Q How long from the time you left the Cherokee nation when you began school in Kansas? A That is a question I can't possibly answer you.

Q You recollect going don't you? A Yes, sir, I recollect going to school but I don't recollect when I went.

Q You were too young to recollect? A Yes, sir, I was too young to recollect when I did go there.

Q Your mother lived up there while you were going to school?

A Not all the time, she came back here and left me there with some of the white people.

Q What place did you go to school there? A Ottawa.

Q Who did you stay with there? A My mother some of the time.

Q Stayed with your mother some of the time? A Yes, sir.

Q Your mother kept house there, did she? A Yes, sir.

Q Where did she marry Glaggett? A She married him in the Cherokee Nation.

Q How long did your mother stay there; give some idea how long did she keep house? A I just can't tell you and give any definite answer at all.

Q You were too young to know when you went there? A Yes, sir, I was actually too young, I can't give any memorandum of it at all.

Q And you began school about eight or ten years of age? A Yes, sir, some where along there.

Q And remained there until you were about 15? A Well, backwards and forwards to school.

Q You have done said you went to school there and when you came back you were about 15 years old? A Yes I about 15, somewhere along there.

Q You didn't answer that question, the name of these white people she left you with, that you boarded or stayed with? A Their names were Richardson as near as I can recollect.

Q Don't you know the man's name; you stayed with them you say?

A Richardson is all I can remember, I don't recollect the given name.

Q You don't recollect the woman's given name? A No, sir.

Q You didn't stay there but a very short time? A No, sir, not with them, not with them people.

Q Tell all about who you stayed with then? A I stayed with my mother then.

Q You stayed with your mother most of the time you were there?

A Yes, sir, most of the time I was there.

Q Are you married? A Yes, sir.

Q Where did you marry? A In the Cherokee Nation.

Q Your wife a citizen? A No, sir.

Mr. Smith: Don't you want to make an application for her? A No, sir, she is not a citizen.

Jane Glaggett, being duly sworn and examined by Commissioner

William Martin - 3.

Needles, testified as follows:

Q What is your name? A Jane Claggett.

Q Where do you live? A I live in Cooweescoowee district.

Q Are you the Jane Claggett who applied here before this Commission yesterday for admission and enrollment as a Cherokee Freedman?

A Yes, sir.

Q Now do you know William Martin? A Yes, sir.

Q Is he your son? A Yes, sir.

Q Where was he born? A Born in '61.

Q Where was he born? A Born in the Cherokee Nation on Cabin Creek.

Q To whom did he belong, and you? A Joe Martin.

Q Was Joe Martin an Indian and a citizen of the Cherokee Nation?

A Yes, sir.

Q Did you go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you come back after the war? A Yes, sir.

Q What year did you come back? A I came back in '66, two weeks before Christmas, just what I told you yesterday.

Q Who did you bring back with you? A I brought this here child back with me, but he was a little baby then.

Q What is his name, William Martin? A Yes, sir.

Q Well, after you came back in '66, how long did you stay here before you went up to Kansas, or did you go up to Kansas to send him to school? A Well, I put him up there to go to school.

Q About when was that? A I can't tell you just when, of course I was going backwards and forwards to see about him.

Q How long was he at school up there? A I can't tell you exactly that, I can't locate myself on that, because this here boy is kinder mischievous, a running about boy, this here is a bad little boy, that is what he was, got bad blood in him, he is a bad boy.

Q He didn't get that from you? A He didn't get it from me; I reckon I got some, but he didn't get it all from me.

Mr. Bell: When you left here how old was he then? A This boy, I will just have to guess work, I think though about nine months old, he was a baby; I have his age correct; my mistress told me what age and all.

Q You said he was born in '61? A Yes, sir, my mistress told me, in '61 I think it was when the war came up I think it was, still I was young when it commenced.

Q He was about six years old when you came back was he? A Yes, sir, but I will just have to guess at all.

Commissioner: William Martin applies for the enrollment of himself. From an examination of the authenticated roll of 1860 his name is not found thereon. He is duly identified upon the Kerns-Clifton roll. He avers that he is the child of one Jane Claggett. He makes satisfactory proof as to residence, and will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission.

By agreement of parties, the testimony in the case of the application of his mother, Jane Claggett, upon D card 303, will be made part of the record in the case of the applicant, and a copy of the same will be filed herewith.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 17th of May, 1901.

Bruce C. Jones
William Martin

Commissioner.

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

FILED

MAY 16 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 16, 1901*
Post Office *Catoosa T.*
District *Cowlescovee*

1. Name *William Martin* Age *40*
Owner's name _____ Citizenship _____
Year *K.C.* Page *161* No. *2539* District *Cowlescovee*

Parents:
Father *Geo. Martin - dead* Citizenship _____
Mother *Jane Claggett - living* Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *W.C.* Stenographer *R.C. Jones*

*1 in Wallace vol, Page 126 *2544/W^m Martin Co*

X. 1 3.
Mellette and Smith attys for applicant

6

100

COMMISSIONERS

HENRY L DAWES
JAMES BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE

ALLISON L AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of William Martin for enrollment
as a Freedman of the Cherokee Nation, one copy of the original
testimony of May 16th, 1901.

Mellette Smith

Attorney for Applicant.

Cherokee F. #D315.

File with William Martin, Doubtful Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15th, 1901.

In the matter of the application of Jane Claggett for the enrollment of herself and one child as Cherokee Freedmen; said Claggett being sworn and examined by Commissioner T. B. Heddles, testified as follows: Also applies for her husband by intermarriage.

Q What is your name? A Jane Claggett.

Q What is your age? A I expect I am near 60,

Q What is your postoffice? A Cooweescoowee.

Q That is your district, what postoffice? A Nowata.

Q You apply to be enrolled as a Cherokee Freedman do you?

A Yes sir.

Q Did you ever apply to be enrolled by any other tribe or nation?

A No sir.

Q Never draw any money from any other tribe or nation? A No, sir.

Q Who do you want to enroll? A I have one under age.

Q What is its name? A Rosa Eva Claggett.

Q She is 16 years old? A Yes, sir.

Q Is your name on the roll of 1880? A It ought to be, but I can't tell you whether it is or not.

By Mr. Smith, of the Firm of Mellette & Smith, Attorneys for Applicants:

Q Mrs. Claggett, who was your father? A My father was named Ben Vann, but he died before I knew anything about him.

Q Your mother? A Mary Taylor, she belonged to a man, I belonged to Martin.

Q Were you a slave? A Yes, sir.

Q To whom did you belong? A Joe Martin.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q Where were you living when the war between the North and South broke out? A On Cabin Creek, here in the Cherokee Nation.

Q Did you go out of the Cherokee Nation at any time during the war? A I went out in '62.

Q And where did you go to? A Went to Fort Scott, that is where we was taken by the soldiers.

Q Did you return to the Cherokee Nation? A Yes, sir.

Q When? A Yes, sir, I returned in the year of '66, just two weeks before Christmas.

Q Where did you come to when you came back? A I came around on Grand River, down east of where the old home place was, east of Cabin Creek, the old home place.

Q Where have you lived since that time? A All about here in the Nation; I had a little boy traking around and I just worked around here until I married.

Q Whom did you marry? A I married Alexander Claggett.

Q Where are you living now? A I am living in Cooweescoowee district, in three miles of Nowata, north of Nowata.

Q How long have you lived there? A I have lived there al years if I aint mistaken.

Q Were you on the Kerns-Clifton roll? A Yes, sir and the Wallace roll.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 101, #8538, Jane Claggett, Cooweescoowee District.

The name of applicants child not found on the Kerns-Clifton roll.

Q Did your child ever go by any other name besides Rosa Eva?

A No, sir.

Q What is its name Martin or Claggett? A She might be Martin on there.

Jane Claggett - 2.

Q Are you sure you drew money for this girl? A No, sir, I didn't draw money for her.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, Page 127, #2875, as Jane Martin, Cooweescoowee District.

Q Did you draw money from the Wallace payment? A Yes, sir.

Q Did you draw money from the payment that followed the Kerns-Clifton roll? A Yes, sir.

By L. B. Bell, Cherokee Representative:

Q When did you return to the Cherokee Nation? A I returned in '66, just two weeks before Christmas.

Q Who come with you? A I come along with some Creek folks that was coming back and I got in with them and come as far down as Cabin Creek.

Q Who were they? A I don't know who they were.

Q Never did know their names? A No, sir, I got in with them, I had this child and my step-father didn't like me from that.

Q Where did you start from? A Mapleton, Kansas, on the Osage river.

Q Were these Creek people Freedmen or Indian? A Colored folks, went back to the Creek Nation.

Q You never had seen them before? A No, sir; you see me and my step-father kinda fell out on account of that child I had, and I went to them and asked them if they were coming back and I come with them.

Q You can't recollect who they were? A No, sir.

CYNTHIA LYNCH, being sworn and examined, testified as follows; by Mr. Smith:

Q State your name? A Cynthia Lynch is my name now.

Q How old are you? A 51.

Q Where do you live? A I live in Vinita now.

Q How long have you lived in Vinita? A About five years next September since I moved to town; I lived on the river on the farm ever since, well all the time before I moved to Vinita.

Q Do you know this applicant who has just left the stand, Jane Claggett? A Yes, sir.

Q How long have you known her? A The first I remember seeing her was sometime in December, '66, she is the only one I ever knew by that name, and she claims to be the same woman.

Q Where did you see her? A Over there at Doctor Thompson's place on Grand River.

Q Did you know her before the war? A No, sir, I was too small.

Q Have you known her from the time you saw her there from time to time since that or not? A I don't remember seeing her since that time up to the Wallace roll.

Q That was along in December, 1866, you saw her? A Yes, sir.

By L. B. Bell:

Q How old was she at the time you saw her in 1866?

A I aint able to tell you.

Q Did she look like a young girl, woman or what? A She looked more like a girl than a woman.

Q Who was with her? A I remember her the same woman I see now, claims to be.

Q You didn't see her any more? A Until the Wallace Court.

Q 1885? A I didn't keep any record of it, I don't remember Mr. Bell, in what year that Wallace Court was.

Q That was in 1889; you knew her when you met her at the Wallace Court? A Not until she told me who she was.

Q When were you and Al Lynch married? A We were married in the fall of '67.

Q Well, what was you doing up at Doctor Thompson's place? A Well

Jane Claggett - 3.

that spring, I was then there in that spring, in March, the 4th of March, I begin the teach school there.

Nellie Frye, being sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Smith:

- Q State your name? A Nellie Frye.
Q Where do you live? A I live on Grand River.
Q How long have you lived there? A Oh, I have lived on Grand river ever since '66.
Q Do you know the applicant, who has just left the stand here, Jane Claggett? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Do you know whether she was a slave or not? A Yes, sir, she was a slave.
Q To whom did she belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Do you know of your own personal knowledge whether she went out of the Cherokee Nation during the war or not? A Yes, sir, she went when we did, in '62.
Q Do you know whether she came back or not? A Yes, sir, she was to our house in '66 in the winter, just before Christmas.
Q Where was your house? A Across the river, at Doctor Thompson's place.
Q Do you know where she has been living since that time? A No, sir.
By L. B. Bell:
Q How did she get to your house? A Come ther, walking.
Q Come there fott? A Yes, sir.
Q How did s e find they way there? A She said they told her at Harri Kell's place.
Q Where is Kell's place? A Close to Cabin Creek.
Q Lewis Kell was living there? A I don't know who was living there; I don't know whether Kell was living there or Mr. Moore.
Q How long did you stay there? A She come two weeks before Christmas and stayed there two weeks with her child, we could not feed her times was so hard.
Q You had to turn her adrift? A Yes, sir; we had to turn lots of them adrift, we had to live on hickory nuts and without bread ato eat and all that, and we could not take in just anybody; we had a hard time; you need not tell me, Mr. Bell, that pokk greens is poison, we had to live and eat them many times, I have cracked a pan of hickory nuts and eat them for dinner.
Q Who was this Jane's mother? A Old Aunt Mary.
Q What was her father's name? A Ben Vann, but I didn't know him.
Q He didn't belong to Joe Martin? A No, sir.

Jane Claggett, the Applicant, re-called, testified as follows:

By Mr. Smith:

- Q Jane, what was your name before you married Claggett? A Jane Martin.
Q Did you have a certificate of marriage to Claggett? A Yes, sir.
Q Have you got that certificate with you? (Hands paper to Com'r)
Q You have your certificate with you? A Yes, sir.

Com'r Needles: Applicant presents a marriage license and certificate of marriage duly authenticated and issued by the Cherokee Nation, certifying that she was married according to the laws of the Cherokee Nation to one Alexander Clagger, a citizen of the United States, on the 15th day of September, 1881, and she applies for the enrollment of her husband, Alexander Clagget as an intermarried citizen.

By L. B. Bell, Cherokee Representative:

Jane Claggett - 4.

Q What was your mother's name? A Mary Martin, she belonged to uncle Joe.

By Commissioner Needles:

Q How old is your husband? A My husband is 70.

Q Is he living? A Yes, sir.

Q Has he lived with you continuously since he married you?

A Yes, sir.

Q Living with you now? A Yes, sir.

Q He is a colored man? A Yes, sir.

Q What is his postoffice? A Nowata.

Com'r Needles: Jane Claggett applies for the enrollment of herself and one child as Cherokee Freedmen and for the enrollment of her husband, Alexander Claggett, as a Cherokee Freedman by intermarriage. Her name is not found upon the authenticated roll of 1880, but it is found upon the Kerns-Clifton roll and the Wallace roll. She applies also for the enrollment of her child, Rosa Eva, 16 years of age, and her name cannot be upon any of the rolls. She presents satisfactory proof of marriage according to the laws of the Cherokee Nation to her husband, Alexander Claggett. She makes satisfactory proof as to residence, consequently Jane Claggett and her child, Rosa E., will be listed for enrollment as Cherokee Freedmen upon a doubtful card, to await the further consideration of the Commission. Her husband will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card for the further consideration of the Commission. In order to complete the enrollment of her child, Rosa Eva, it will be necessary for her to file satisfactory proof of its birth, its name not appear upon any of the rolls.

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

Signed, J. O. Rosson

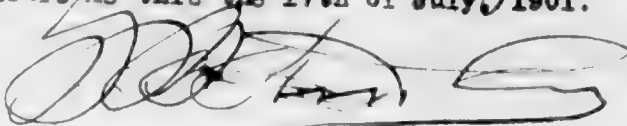
Subscribed and sworn to before me this 16th day of May, 1901.

Signed, C. R. Breckinridge,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 17th of July, 1901.



Commissioner.

File with case of William Martin, C.F.-D.#315.

W.M.C.F.-D.#503.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER CLAGGETT, ET AL., as Cherokee Freedmen, introduced on
behalf of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicants;
Mr. Hastings, of Counsel for Cherokee Nation.

JOHN BROWN, being duly sworn by Commissioner Needles,
testified as follows, on behalf of Cherokee Nation.

Mr. Hastings: What is your name? A John Brown.

Q What is your post office? A Springer.

Q Indian Territory? A Yes, sir.

Q What is your age? A I am 52.

Q Do you know a colored man by the name of Jane Claggett, who is
the wife of Alexander Claggett? A Yes, sir.

Q Post office is Nowata? A Yes, sir.

Q How long have you been living down at Springer in the Chickasaw
Nation? A I have been down there a little bit over two.

Q Your wife is a Chickasaw? A Yes, sir.

Q You went from this country here down there? A Yes, sir.

Q Where did you know, first know Jane Claggett? A Well, the first
time I ever seen Jane was before the war, when she was a slave.

Q Well, when did you know her after the war? A First knew her
in '68, I met her at Ottawa, Kansas.

Q What were you doing at Ottawa, Kansas? A I went up there with
old negro Jess to help him draw some money from the government.

Q Took Jess up there in your wagon? A Yes, sir.

Q Was he a colored man? A Yes, sir.

Q Well, did you remain up there a while? A Yes, sir.

Q About how long? A I don't remember how long we were there, maybe
two or three weeks, maybe a month, we were there quite a little while.

Q I believe you testified in some other case that you were waiting
for some papers? A Yes, sir.

Q Well, did you see Jane Claggett on that trip? A Her name was
Reed then, she was sister-in-law to Jess and Jess said I have a sis-
ter-in-law in the town and said Let's go and see her and went down
there and it was Jane.

Q Did she have a husband? A Yes, sir.

Q That was in Ottawa, Kansas? A Yes, sir.

Q Her husband's name was Reed at that time? A Yes, sir.

Q Did they say anything about ever having been here since the war?
A No, sir.

Q Have you seen this Jane Claggett since she has been in this coun-
try? A Yes, sir.

Q What neighborhood did you move from when you went to the Chick-
asaw Nation a couple of years ago? A I went from Pryor's Creek,
it is in the Rider settlement.

Q How far is that from Chelsea? A About six miles.

Q How far is it ~~xxx~~ from Nowata? A It is about 20 miles, I
guess, maybe a little farther.

Q When did you first see this woman in this country? A I don't
remember, it has been several years.

Q Well, about how many after you were up in Kansas? I never met
her after for two or three years after I seen her in Kansas.

Q Was her name Rred then? A No, she had married this other man, Claggett, whatever his name was, Tiget or whater you call it; Clagget or whatever you callit, I don't know whether it is Tiget or Claggett.

Q Well, do you know that this Jane Claggett you saw up about Nowata is the sameyone you saw in Kansas? A Yes, sir.

Q You say she is a sister-in-law to Jess Brown? A Yes, sir, Jess' wife and her are sisters.

Q And that is what took you down to her place? A Yes, sir, and went there and found her.

Q Were they living in town or on a farm? A Living in town.

Q During your stay there they made no mention of having been down here? A No, sir.

MR. SMITH: That was in what year, Mr. Brown? A In '68.

Q How long was it after that before you saw Jane here,

A I don't know, it was three or four years, maybe longer, it was quite a little bit.

Q And when did you see her after that time in '68? A I don't remember, three or four years.

Q Where? A I met her at Gooseneck.

Q In the Cherokee Nation? A Yes, sir.

Q Did she have any children when you saw her in the Territory?

A If she did, I don't know whether she did or not.

Q What was this's mane name then she was married to, when you saw her down here in the Cherokee Nation? A It was either Tiget, or Claggett, Claggett I believe we always called him.

Q What was his first name? A I don't remember we always called him old man Tiget, or Claggett.

Q Who did this woman that you are talking about before the war, belong to before the war? A Joe Martin.

Q Was he a Cherokee citizen? A Yes, sir.

Q Living in the Cherokee Nation at the time the war commenced?

A Yes, sir.

Q And this woman was at the time the war commenced? A Yes, sir.

Q And all you know about is that you saw her up in Ottawa during '68? A Yes, sir.

Q What was she doing up there, workind? A She was living there in town.

Q She washed, cooked or what? A I don't know, I know she was living there, I don't know how she made her living.

This Testimony will be made part of the record in Freedmen doubtful cases #315, #318, #798; a copy of the testimony will also be filed with the papers in the case of the applicant, Jane Claggett, D.#303.

---ooo000ooo---

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 compete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 16th, 1901.

[Signature]

Commissioner.

"R"

File with Cherokee Freedman D- 315 William Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF NATION, in the matter
of the application of Alexander Claggett et al for enrollment as
Cherokee Freedmen, D-303.

Appearances:

Mr. Bellette, of Bellette & Smith, attorneys for appl'ts.
Mr. W.W. Hastings, of attorneys for the Cherokee Nation.

HAYWOOD ROWE, being sworn and examined testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Haywood Rowe.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Your name is on the 1860 roll? A Yes sir.
Q Where do you live? A I live at Talala, Cherokee Nation.
Q What is your age? A I am between 42 and 43 years old.
Q You know Alexander Claggett? A Yes sir.
Q Where does he live now? A On California Creek above Nowata,
Coowescoowee District, Cherokee Nation.
Q You know his wife, Jane? A Yes sir.
Q Where did you first see his wife Jane? A Council Grove, Kansas.
Q When was that? A That was the year before Lipe paid out that
break money, that he paid out; Major Lipe was Treasurer, I don't
remember the date of the year, but it was the year before.
Q What were you doing up in Kansas? A I went up there to move
Uncle Jack Musgrove down here.
Q Did you move him? A Yes sir.
Q Did you see this man or the woman, which one did you see at that
time; did you see Jane? A Yes sir, I saw Jane.
Q Was her name Claggett at that time? A No sir, her name was
Jane Martin.
Q Did she have any children then? A Yes sir.
Q Do you remember any of them? A Yes sir, she had a boy by the
name of Will.
Q Why do you remember him now? A Reason I remember Will, she sent
him down here to his uncle Tom's with me, not to bring him
from Council Grove to Coffeyville with me.
Q How long did you stay up around Council Grove? A I stayed up
there a little over three weeks.
Q Were these people living up there in the houses? A Yes sir.
Q Were you at their house? A Yes sir.
Q Did they talk any with you about this country down here? A Yes
sir, Mrs. Claggett asked me did I know this Brown family and Tom
Archer, I told her I did, and she asked me where did they live,
I told her Tom Archer lives in Coffeyville and Uncle George Brown
lived at Coody's Bluff. She said she hadn't seen them since she
left there since the breaking out of the war and she would like aw-
ful well to see them, could I get you to take my boy down to his
uncle Tom's at Coffeyville. That was Will.
Q And you brought Will along with you? A Yes sir.
Q Did you ever see Jane Claggett here after that in the Cherokee
Nation? A Yes sir.
Q How long after that? A They come that following fall; we come
in the spring and she come in the fall.
Q Now, Haywood, have you got any idea about how long after the war
this was, about how many years? A What?
Q You have no idea about how many years after the war this was?
A No sir. All I go by it was before that Major Lipe payment.
Q How long before? A It was a year before the Major Lipe payment,
Major Lipe was Treasurer.

- Q About how old were you at that time? A I was, don't know, I was considered a young man, I was a young man; I was my own boss, working out for wages.
- Q You are 42 or 3 now are you? A Yes sir.
- Q And you were born in '58 or '59? A Born in '59.
- Q You don't know when Mr. Lipe made that payment? A No sir, not exactly; I don't remember the date of the year.
- Q Can you remember the year? A No I don't know the year; it was either in '81 or '82. It was right after that payment. The payment was made in the summer and he and Uncle Jack and Will got down here in April.
- Q That is the time you brought will down? A Yes sir.
- Q Did she say anything about ever being down here since the war? A She said she never had been down here since the war, she didn't know where her people were living or dead.
- BY THE COURT:
- Q What is your name? A Haywood Rowe.
- Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
- Q Who owned you before the war? A My father belonged to the Rosses, and my mother she didn't really belong to anybody, she was Tom Peg's kinfolks; she had Indian kinfolks.
- Q About what year was it you went into Kansas and saw Jane Claggett? A I went up there before the payment, the year before the payment.
- Q I am not talking about the payment, I want to know what year it was? A I don't know, it was 21 or '2 years ago.
- Q What makes you think it was 21 or '2 years ago? A I have been here 21 years, I was married in July and I come-
- Q How long did you stay in Council Grove? A Three weeks or a little over.
- Q How far is Council Grove from the Cherokee line? A I don't know, it is 175 or 60 or somewhere along there.
- Q You had never seen this woman, Jane Claggett, before? A No sir.
- Q When did you first think about the fact of your havin' seen her up there 21 years ago? A He and her were frequently talk about it.
- Q You have talked about it with her? A Yes sir.
- Q When did you talk about it with her? A Up at the barbecue this summer.
- Q Up where? A At California Creek Barbecue.
- Q What did she say about it? A I asked her had she been back up there since she moved and she said no sir.
- Q You don't know where she was in '80? A No sir.
- Q You don't know whether she was here or not? A She said she was not here.
- Q Why do you remember that? A Well I was talking about the rights of the people here.
- Q You can remember that for several years ago that she told you at that time she hadn't been down here? A Yes sir.
- Q Why did you ask her that question? A She was askin' me about her kin folks; she asked me first did the Indians quit killing the negroes for going down in the Cherokee Nation; I said they kill one once in a while and sometimes a negro kills an Indian; and she says I would like to go down there, I haven't been down there since the war; do you know Tom Alberty and Jess Vann?
- Q What did you tell her? A I told her yes. You know the Rosses? Yes sir; asked me did I know the Vanns? I told her yes; asked me did I know the Browns; I told her yes. Jim Brown that is son of her kinfolks; and she asked me did I know him, he is my half-brother; I says I did; where does he live, I says in Coffeyville, Kansas. He is my half brother.
- Q What else did she say? A She said I want to send my boy along with you and Uncle Jack to see his Uncle; take him down to see his Uncle Thomas and I will be down this fall.

Q What else did she say? A Talked about first one folks and then another.

Q Give me some words that she used? A She said people are coming in all the time along by what I told her, I told her yes they come in and out all the time; she asked me who was my folks; I told her; asked me who my folks was and I told her; asked me was her folks all about and living, and I told her; I answered as well as I knew how.

Q What else did she say in that conversation about anything, I don't care whether it was about her citizenship down here; what else? A I don't remember exactly every word.

Q Why can't you remember any other conversation that took place then? A I remember this much; she asked me did you have good schools down here; and I told her no; she said she would like to be where her children could get to school down here; she asked me did I go to school, I said a little, she said that would be a great draw back; she said I would like to have my children to go to school, but I don't want to lose my right down there; I don't know what all we talked together.

Q What else did she say? A I don't know what else she said.

Q Well about everything you talked about, we want to hear it? A That is about all I remember of it.

Q You are giving what she told you on that occasion? A Yes sir, we talked about it.

Q You have remembered that 21 years have you? A I remember it all right, we have talked about it along.

Q You remember one part of that conversation as well as you do another? A That part of it yes sir, because she turned her boy over to me and told me to bring him to his Uncle's.

Q Where do you live? A Talala.

Q Where does she live? A Nowata.

Q How far is that from you? A 12 miles from me.

Q Are you any relation to her? A No sir, none at all.

Q Is she here to-day? A No sir, I don't know whether she is or not.

Q What was her boy's name? A Will.

Q Will what? A Martin.

Q Where did you bring him to? A Coffeyville, Kansas.

Q You left him at Coffeyville? A Left him at Coffeyville.

Q You don't know where Jane Martin or Jane Claggett was in '68 or '69 or '88? A No sir, I didn't know her then.

Q Don't know anything about that? A No sir.

Q What part of Council Grove was she living in at that time

A The streets was running east and west and she lived on the south side of the street with her three children.

Q She and her three children were living alone? A Yes sir.

Q How much of a house did they have? A They had a good little box house there.

Q You don't know how long they had been there? A No sir, she said she had been there quite a while.

Q You remember she told you at that time she had been there quite a while? A Yes sir.

Q How do you happen to recollect this conversation 21 years ago?

A That's no trouble to recollect some things; I recollect things longer than that.

Q How can you remember she told you she lived at that house quite a while? A I can remember that until I died.

Q What? A I can remember that always, because it is not very strange; whenever two Indian darkies meet way off in the states they talk about parties.

Q You think it is not strange that you remember 21 years ago just the conversation that took place? A Yes sir, because it was like seeing some of my folks from the Nation.

Q Did you ever have any trouble with Jane Claggett? A Never did

Q With Alexander Claggett? A Never did in my life; we are good friends.

Q. Tell me your name again, I don't remember it? A. Haywood Rowe.

R. W. PASTIGGS, being sworn, makes the following statement:

I desire to make the statement that the payment that was referred to by the witness in his testimony was made in 1880, or from the 1880 roll.

BY R. PASTIGGS: I want that testimony filed in D 315, D 318 and D 798.

V. 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 4, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellett & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitman, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F. D. 426, a part of the record in his case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

William Martin, D 315;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

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

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

E. C. Bagwell
P. G. Reuter
Notary Public.

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

bmmr

In the matter of the application of Jane Claggett et al.,
for enrollment as Cherokee freedmen, consolidating the applications
of:

Jane Claggett et al	Cherokee Freedmen D 303
William Martin	Cherokee Freedmen D 315
Clara Barnes et al	Cherokee Freedmen D 318
Mamie Irven et al	Cherokee Freedmen D 798

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jane Claggett for herself and her minor daughter, Rose E. Claggett, and her husband, Alexander Claggett; by William Martin for himself; by John E. Barnes for himself, his wife, Clara, and their minor children, Jane and William Barnes; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Precillar Barnes; and by Samuel Irven for himself, his wife, Mamie, and their minor children, Richard and Minerva Irven. Alexander Claggett, John E. Barnes and Samuel Irven possess only those rights they acquired by virtue of their marriage to their respective wives, herein, and their applications are not passed upon at this time, nor are they embraced in this decision.

The evidence shows that Jane Claggett and her son, William Martin, were the slaves of a Cherokee citizen at the commencement of the rebellion, and were taken out of the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation; that all the other applicants herein are the descendants of Jane Claggett and were born since 1866.

It further appears that the said Jane Claggett is identified, by the name of Jane Martin, on the Cherokee census roll of 1867, made under the provisions of article twelve, section one, of the treaty of 1866.

The evidence further shows that the said Jane Claggett, William Martin, Clara Barnes and Mamie Irven have resided in the Cherokee Nation continuously for more than twenty years immediately preceding the date of their applications herein. It is considered that the minor children above named, have resided all their lives with their parents, through whom they claim.

--2--

It is, therefore, the opinion of this Commission that Jane Claggett, Rose M. Claggett, William Martin, Clara Barnes, Jane Barnes, William Barnes, Precillar Barnes, Mamie Irvan, Richard Irvan and Minerva Irvan, should be enrolled as Cherokee Freedmen 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

Tame Birby.

Chairman

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

this JUL 23 1904

11035

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, ~~until~~ until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Willie Martin,
Tateosa, I. T.
Cherokee D-D-318.
Tateosa.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

(COPY)

Refer in reply
to the following:
Land
87608-1904

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

September 22, 1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Jane Claggett for herself and her minor daughter, Rose E. Claggett; by William Martin for himself; by John E. Barnes for his wife, Clara, and their minor children, Jane, William and Precilla Barnes; and by Samuel Irvan for his wife, Mamie, and their minor children, Richard and Minerva Irvan.

July 23, 1904, the Commission decided favorably to the applicants.

The evidence shows that Jane Claggett and her son, William Martin were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee nation during the war and returned thereto prior to February 11, 1867; that all of the other applicants are the descendants of Jane Claggett and were born since 1866.

It is further shown that Jane Claggett is identified by the name of Jane Martin on the Cherokee census roll of 1867. She is also identified on the Kern-Clifton and Wallace rolls. None of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

A. C. Tonner
Acting Commissioner.

M.M.M.

W.

D.C. 40761-1904
I.T.D. 7680-1904

(C O P Y)

W.C.F.
J.P.
FHE
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 20, 1904.

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

Gentlemen:

On August 19, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Jane Claggett, et al (F.D.-303-315-318-798), including your decision of July 23, 1904, granting the applications for the enrollment of Jane and Rose E. Claggett, William Martin, Clara, Jane, William and Precillar Barnes and Mamie, Richard and Minerva Irven.

The Original application included the names of Alexander Claggett, Jane E. Barnes and Samuel Irven, who claim rights as intermarried Cherokee freedmen. Their status as such was not passed upon by you, and their names are therefore not included in this decision.

Reporting September 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen
D-315

Muskogee, Indian Territory, October 29, 1904.

William Martin,

Catoosa, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, granting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-303 et al.

Muskogee, Indian Territory, October 29, 1904.

Edgar Smith,

Attorney for Jane Claggett, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, granting, among others, the applications for the enrollment of Jane and Rose E. Claggett, William Martin, and Mamie, Richard and Minerva Irvon, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-35 et al.

Muskogee, Indian Territory, October 29, 1904.

Bell, Hastings and Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, granting the applications for the enrollment of Jane and Rose E. Claggett, William Martin, Clara, Jane, William and Precillar Barnes, and Mamie, Richard and Minerva Irvan, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

SIGNED.

Tams Bixby.
Chairman.

Cher Fr 1409

Trans. from Cher Fr D 303

Cher Fr 1409

File with William Martin, Doubtful Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinit, I.T., May 15th, 1901.

In the matter of the application of Jane Claggett for the enrollment of herself and one child as Cherokee Freedmen; said Claggett being sworn and examined by Commissioner T. B. Needles, testified as follows: Also applies for her husband by Intermarriage.

- Q What is your name? A Jane Claggett.
Q What is your age? A I expect I am near 60.
Q What is your present office? A Cooweescoowee.
Q That is your district, what present office? A Nowata.
Q You apply to be enrolled as a Cherokee Freedman do you?
A Yes sir.
Q Did you ever apply to be enrolled by any other tribe or nation?
A No sir.
Q Never draw any money from any other tribe or nation? A No, sir.
Q Who do you want to enroll? A I have one under age.
Q What is its name? A Rosa Eva Claggett.
Q She is 16 years old? A Yes, sir.
Q Is your name on the roll of 1880? A It ought to be, but I can't tell you whether it is or not.

By Mr. Smith, of the Firm of Mellette & Smith, Attorneys for Applicants:

- Q Mrs. Claggett, who was your father? A My father was named Ben Vann, but he died before I knew anything about him.
Q Your mother? A Mary Taylor, she belonged to a man, I belonged to Martin.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where were you living when the war between the North and South broke out? A On Cabin Creek, here in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at any time during the war? A I went out in '62.
Q And where did you go to? A Went to Fort Scott, that is where we was taken by the soldiers.
Q Did you return to the Cherokee Nation? A Yes, sir.
Q When? A Yes, sir, I returned in the year of '66, just two weeks before Christmas.
Q Where did you come to when you came back? A I came around on Grand River, down east of where the old home place was, east of Cabin Creek, the old home place.
Q Where have you lived since that time? A All about here in the Nation; I had a little boy tramping around and I just worked around here until I married.
Q Whom did you marry? A I married Alexander Claggett.
Q Where are you living now? A I am living in Cooweescoowee district, in three miles of Nowata, north of Nowata.
Q How long have you lived there? A I have lived there all years if I aint mistaken.
Q Were you on the Kerns-Clifton roll? A Yes, sir and the Wallace roll.

The 1880 Authenticated roll of the men of the Cherokee Nation examined and names of applicants not found thereon.

The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 101, #2538, Jane Claggett, Cooweescoowee District.

The name of applicants child not found on the Kerns-Clifton roll.

- Q Did your child ever go by any other name besides Rosa Eva?
A No, sir.
Q What is its name Martin or Claggett? A She might be Martin on there.

Jane Claggett - 2.

Q Are you sure you drew money for this girl? A No, sir, I didn't draw money for her.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, 2675, as Jane Martin, Cowwawawee District.

Q Did you draw money from the Wallace payment? A Yes, sir.

Q Did you draw money from the payment that followed the Kerns-Clifton roll? A Yes, sir.

By L. B. Bell, Cherokee Representative:

Q When did you return to the Cherokee Nation? A I returned in '66, just two weeks before Christmas.

Q Who came with you? A I come along with some Creek folks that was coming back and I got in with them and come as far down as Cabin Creek.

Q Who were they? A I don't know who they were.

Q Never did know their names? A No, sir, I got in with them, I had this child and my step-father didn't like me from that.

Q Where did you start from? A Mapleton, Kansas, on the Osage river.

Q Were these Creek people Freedmen or Indian? A Colored folks, we t back to the Creek Nation.

Q You never had seen them before? A No, sir; you see me and my step-father kinda fell out on account of that child I had, and I went to them and asked them if they were coming back and I come with them.

Q You can't recollect who they were? A No, sir.

CYNTHIA LYNCH, being sworn and examined, testified as follows; by Mr. Smith:

Q State your name? A Cynthia Lynch is my name now.

Q How old are you? A 51.

Q Where do you live? A I live in Vinita now.

Q How long have you lived in Vinita? A About five years next September since I moved to town; I lived on the river on the farm ever since, well all the time before I moved to Vinita.

Q Do you know this applicant who has just left the stand, Jane Claggett? A Yes, sir.

Q How long have you known her? A The first I remember seeing her was sometime in December, '66, she is the only one I ever knew by that name, and she claims to be the same woman.

Q Where did you see her? A Over there at Doctor Thompson's place on Grand River.

Q Did you know her before the war? A No, sir, I was too small.

Q Have you known her from the time you saw her there from time to time since that or not? A I don't remember seeing her since that time up to the Wallace roll.

Q That was along in December, 1866, you saw her? A Yes, sir.

By L. B. Bell:

Q How old was she at the time you saw her in 1866?

A I aint able to tell you.

Q Did she look like a young girl, woman or what? A She looked more like a girl than a woman.

Q Who was with her? A I remember her the same woman I see now, claims to be.

Q You didn't see her any more? A Until the Wallace Court.

Q 1885? A I didn't keep any record of it, I don't remember Mr. Bell, in what year that Wallace Court was.

Q That was in 1889; you knew her when you met her at the Wallace Court? A Not until she told me who she was.

Q When were you and Al Lynch married? A We were married in the fall of '67.

Q Well, what was you doing up at Doctor Thompson's place? A Well

Jane Claggett - 3.

that spring, I was then there in that spring, in March, the 4th of March, I begin the teach school there.

Nellie Frye, being sworn by Commissioner T. D. Needles, testified as follows:

By Mr. Smith:

- Q State your name? A Nellie Frye.
- Q Where do you live? A I live on Grand River.
- Q How long have you lived there? A Oh, I have lived on Grand River ever since '68.
- Q Do you know the applicant, who has just left the stand here, Jane Claggett? A Yes, sir.
- Q Did you know her before the war? A Yes, sir.
- Q Do you know whether she was a slave or not? A Yes, sir, she was a slave.
- Q To whom did she belong? A Joe Martin.
- Q Was he a Cherokee citizen? A Yes, sir.
- Q Do you know of your own personal knowledge whether she went out of the Cherokee Nation during the war or not? A Yes, sir, she went when we did, in '62.
- Q Do you know whether she came back or not? A Yes, sir, she was to our house in '68 in the winter, just before Christmas.
- Q Where was your house? A Across the river, at Doctor Thompson's place.
- Q Do you know where she has been living since that time? A No, sir.
- By L. B. Bell:
- Q How did she get to your house? A Come there walking.
- Q Come there foot? A Yes, sir.
- Q How did she find their way there? A She said they told her at Harri Kell's place.
- Q Where is Kell's place? A Close to Cabin Creek.
- Q Lewis Kell was living there? A I don't know who was living there; I don't know whether Kell was living there or Mr. Moore.
- Q How long did you stay there? A She come two weeks before Christmas and stayed there two weeks with her child, we could not feed her things was so hard.
- Q You had to turn her adrift? A Yes, sir; we had to turn lots of them adrift, we had to live on hickory nuts and without bread to eat and all that, and we could not take in just anybody; we had a hard time; you need not tell me, Mr. Bell, that pork greens is poison, we had to live and eat them many times, I have cracked a pan of hickory nuts and eat them for dinner.
- Q Who was this Jane's mother? A Old Aunt Mary.
- Q What was her father's name? A Ben Vann, but I didn't know him.
- Q He didn't belong to Joe Martin? A No, sir.

Jane Claggett, the Applicant, re-called, testified as follows:

By Mr. Smith:

- Q Jane, what was your name before you married Claggett? A Jane Martin.
- Q Did you have a certificate of marriage to Claggett? A Yes, sir.
- Q Have you got that certificate with you? (Hands paper to Com'r)
- Q You have your certificate with you? A Yes, sir.
- Com'r Needles: Applicant presents a marriage license and certificate of marriage duly authenticated and issued by the Cherokee Nation, certifying that she was married according to the laws of the Cherokee Nation to one Alexander Claggett, a citizen of the United States, on the 15th day of September, 1881, and she applies for the enrollment of her husband, Alexander Claggett as an inter-married citizen.

By L. B. Bell, Cherokee Representative:

Jane Claggett - 4

Q What was your mother's name? A Mary Martin, she belonged to uncle Joe.

By Commissioner Needles:

- Q How old is your husband? A My husband is 70.
Q Is he living? A Yes, sir.
Q Has he lived with you continuously since he married you?
A Yes, sir.
Q Living with you how? A Yes, sir.
Q He is a colored man? A Yes, sir.
Q What is his postoffice? A Nowata.

Com'r Needles: Jane Claggett applies for the enrollment of herself and one child as Cherokee Freedmen and for the enrollment of her husband, Alexander Claggett, as a Cherokee Freedman by intermarriage. Her name is not found upon the authenticated roll of 1880, but it is found upon the Kerne-Clifton roll and the Wallace roll. She applies also for the enrollment of her child, Rosa Eva, 16 years of age, and her name cannot be upon any of the rolls. She presents satisfactory proof of marriage according to the laws of the Cherokee Nation to her husband, Alexander Claggett. She makes satisfactory proof as to residence, consequently Jane Claggett and her child, Rosa E., will be listed for enrollment as Cherokee Freedmen upon a doubtful card, to await the further consideration of the Commission. Her husband will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card for the further consideration of the Commission. In order to complete the enrollment of her child, Rosa Eva, it will be necessary for her to file satisfactory proof of its birth, its name not appear upon any of the rolls.

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

Signed, J. O. Rossen

Subscribed and sworn to before me this 16th day of May, 1901.

Signed, C. R. Breckinridge,
Commissioner.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce S. Jones

Sworn to and subscribed before me this the 17th of July, 1901.



Commissioner.

1409

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

FILED
MAY 15 1901



AGENTS IN CHARGE

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 15, 1901*
Post Office *Nowata T.T.*
District *Co.*

1. Name *Alexander Chaggett*

Age *10*
Citizenship

Owner's name

Year Page No. District

Parents:

Father *George Taylor* Citizenship

Mother Citizenship

2. Name of wife *Jane Chaggett*

Age *57*

Owner's name *Joe Martin* Citizenship *Cherokee*

Year *1880* Page *101* No. *2598* District *Co.*

Parents:

Father *Ben Vann - dead* Citizenship

Mother *Mary Taylor* Citizenship

Names of Children:

3.	<i>Rose C. Chaggett</i>	Year	Page	No.	Dist.	<i>16</i>
4.		Year	Page	No.	Dist.	
5.		Year	Page	No.	Dist.	
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by *M. I.* Stenographer *J. C. Rossou*

*On Wallace post, P. 127 *2675 - Jane Martin Co.*
aff. of birth required.

Mellette and Smith, attys for applicants

Supl.C.F.-D.#303.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER CLAGGETT, ET AL., as Cherokee Freedmen, introduced on
behalf of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicants;
Mr. Hastings, of Counsel for Cherokee Nation.

JOHN BROWN, being duly sworn by Commissioner Needles,
testified as follows, on behalf of Cherokee Nation.

- Mr. Hastings: What is your name? A John Brown.
- Q What is your post office? A Springer.
- Q Indian Territory? A Yes, sir.
- Q What is your age? A I am 52.
- Q Do you know a colored man by the name of Jane Claggett, who is the wife of Alexander Claggett? A Yes, sir.
- Q Post office is Nowata? A Yes, sir.
- Q How long have you been living down at Springer in the Chickasaw Nation? A I have been down there a little bit over two.
- Q Your wife is a Chickasaw? A Yes, sir.
- Q You went from this country here down there? A Yes, sir.
- Q Where did you know, first know Jane Claggett? A Well, the first time I ever seen Jane was before the war, when she was a slave.
- Q Well, when did you know her after the war? A First knew her in '68, I met her at Ottawa, Kansas.
- Q What were you doing at Ottawa, Kansas? A I went up there with old negro Jess to help him draw some money from the government.
- Q Took Jess up there in your wagon? A Yes, sir.
- Q Was he a colored man? A Yes, sir.
- Q Well, did you remain up there a while? A Yes, sir.
- Q About how long? A I don't remember how long we were there, maybe two or three weeks, maybe a month, we were there quite a little while.
- Q I believe you testified in some other case that you were waiting for some papers? A Yes, sir.
- Q Well, did you see Jane Claggett on that trip? A Her name was Reed then, she was sister-in-law to Jess and Jess said I have a sister-in-law in the town and said Let's go and see her and went down there and it was Jane.
- Q Did she have a husband? A Yes, sir.
- Q That was in Ottawa, Kansas? A Yes, sir.
- Q Her husband's name was Reed at that time? A Yes, sir.
- Q Did they say anything about ever having been here since the war? A No, sir.
- Q Have you seen this Jane Claggett since she has been in this country? A Yes, sir.
- Q What neighborhood did you move from when you went to the Chickasaw Nation a couple of years ago? A I went from Pryor's Creek, it is in the Rider settlement.
- Q How far is that from Chelsea? A About six miles.
- Q How far is it ~~xxx~~ from Nowata? A It is about 20 miles, I guess, maybe a little farther.
- Q When did you first see this woman in this country? A I don't remember, it has been several years.
- Q Well, about how many after you were up in Kansas? I never met her after for two or three years after I seen her in Kansas.

Q Was her name Fred then? A No, she had married this other man, Claggett, whatever his name was, Tiget or whater you call it; Clagget or whatever you callit, I con't know whether it is Tiget or Claggett.

Q Well, do you know that this Jane Claggett you saw up about Nowata is the same one you saw in Kansas? A Yes, sir.

Q You say she is a sister-in-law to Jess Brown? A Yes, sir, Jess' wife and her are sisters.

Q And that is what took you down to her place? A Yes, sir, and went there and found her.

Q Were they living in town or on a farm? A Living in town.

Q During your stay there they made no mention of having been down here? A No, sir.

MR. SMITH: That was in what year, Mr. Brown? A In '68.

Q How long was it after that before you saw Jane here,

A I don't know, it was three or four years, maybe longer, it was quite a little bit.

Q And when did you see her after that time in '68? A I don't remember, three or four years.

Q Where? A I met her at Gooseneck.

Q In the Cherokee Nation? A Yes, sir.

Q Did she have any children when you saw her in the Territory?

A If she did, I don't know whether she did or not.

Q What was this's mane name then she was married to, when you saw her down here in the Cherokee Nation? A It was either Tiget, or Claggett, Claggett I believe we always called him.

Q What was his first name? A I don't remember we always called him old man Tiget, or Claggett.

Q Who did this woman that you are talking about before the war, belong to before the war? A Joe Martin.

Q Was he a Cherokee citizen? A Yes, sir.

Q Living in the Cherokee Nation at the time the war commenced?

A Yes, sir.

Q And this woman was at the time the war commenced? A Yes, sir.

Q And all you know about is that you saw her up in Ottawa during '68? A Yes, sir.

Q What was she doing up there, workind? A She was living there in town.

Q She washed, cooked or what? A I don't know, I know she was living there, I don't know how she made her living.

This Testimony will be made part of the record in Freedmen doubtful cases #315, #318, #798; a copy of the testimony will also be filed with the papers in the case of the applicant, Jane Claggett, D.#303.

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

Subscribed and sworn to before me this October 16th, 1901.

J. O. Rosson
Commissioner.

"R"

File with Cherokee Freedman D- 303 Alexander Claggett et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF NATION, in the matter
of the application of Alexander Claggett et al for enrollment as
Cherokee Freedmen, D-303.

Appearances:

Mr. Bellette, of Bellette & Smith, attorneys for appl'ts.
Mr. W. F. Hastings, of attorneys for the Cherokee Nation.

HAYWOOD ROWE, being sworn and examined testified as follows:

BY W. F. HASTINGS:

- Q What is your name? A Haywood Rowe.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Your name is on the 1860 roll? A Yes sir.
- Q Where do you live? A I live at Talala, Cherokee Nation.
- Q What is your age? A I am between 42 and 43 years old.
- Q You know Alexander Claggett? A Yes sir.
- Q Where does he live now? A On California Creek above Nowata,
Cooweescoowee District, Cherokee Nation.
- Q You know his wife, Jane? A Yes sir.
- Q Where did you first see his wife Jane? A Council Grove, Kansas.
- Q When was that? A That was the year before Lipe paid out that
Broad money, that he paid out; Major Lipe was Treasurer, I don't
remember the date of the year, but it was the year before.
- Q What were you doing up in Kansas? A I went up there to move
Uncle Jack Musgrove down here.
- Q Did you move him? A Yes sir.
- Q Did you see this man or the woman, which one did you see at that
time; did you see Jane? A Yes sir, I saw Jane.
- Q Was her name Claggett at that time? A No sir, her name was
Jane Martin.
- Q Did she have any children then? A Yes sir.
- Q Do you remember any of them? A Yes sir, she had a boy by the
name of Will.
- Q Why do you remember him now? A Reason I remember Will, she sent
him down here to his uncle Tom's with me, got me to bring him
from Council Grove to Coffeyville with me.
- Q How long did you stay up around Council Grove? A I stayed up
there a little over three weeks.
- Q Were these people living up there in the houses? A Yes sir.
- Q Were you at their house? A Yes sir.
- Q Did they talk any with you about this country down here? A Yes
sir, Mrs. Claggett asked me did I know this Brown family and Tom
Archer, I told her I did, and she asked me where did they live,
I told her Tom Archer lives in Coffeyville and Uncle George Brown
lived at Coopy's Bluff. She said she hadn't seen them since she
left there since the breaking out of the war and she would like aw-
ful well to see them, could I get her to take my boy down to his
uncle Tom's at Coffeyville. That was Will.
- Q And you brought Will along with you? A Yes sir.
- Q Did you ever see Jane Claggett here after that in the Cherokee
Nation? A Yes sir.
- Q How long after that? A They come that following fall; we come
in the spring and she come in the fall.
- Q Now, Haywood, have you got any idea about how long after the war
this was, about how many years? A What?
- Q You have no idea about how many years after the war this was?
A No sir. All I go by it was before that Major Lipe payment.
- Q How long before? A It was a year before the Major Lipe payment,
Major Lipe was Treasurer.

Q About how old were you at that time? A I was, don't know, I was considered a young man, I was a young man; I was my own boss, working out for wages.

Q You are 42 or 3 now are you? A Yes sir.

Q And you were born in '58 or '59? A Born in '59.

Q You don't know when Mr. Lipe made that payment? A No sir, not exactly; I don't remember the date of the year.

Q Can you remember the year? A No I don't know the year; it was either in '81 or '82. It was right after that payment. The payment was made in the summer and he and Uncle Jack and Will got down here in April.

Q That is the time you brought Will down? A Yes sir.

Q Did she say anything about ever being down here since the war?

A She said she never had been down here since the war, she didn't know where her people were living or dead.

W. H. HULL III:

Q What is your name? A Raymond Howe.

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

Q Who owned you before the war? A My father belonged to the Rosses, and my mother she didn't really belong to anybody, she was Tom Peg's kinfolks; she had Indian kinfolks.

Q About what year was it you went into Kansas and saw Jane Claggett? A I went up there before the payment, the year before the payment.

Q I am not talking about the payment, I want to know what year it was? A I don't know, it was '81 or '82 years ago.

Q What makes you think it was '81 or '82 years ago? A I have been here 21 years, I was married in July and I come--

Q How long did you stay in Council Grove? A Three weeks or a little over.

Q How far is Council Grove from the Cherokee line? A I don't know, it is 175 or 60 or somewhere along there.

Q You had never seen this woman, Jane Claggett, before?

A No sir.

Q When did you first think about the fact of your having seen her up there 21 years ago? A He and her were frequently talk about it.

Q You have talked about it with her? A Yes sir.

Q When did you talk about it with her? A Up at the barbecue this summer.

Q Up where? A At California Creek barbecue.

Q What did she say about it? A I asked her had she been back up there since she moved and she said no sir.

Q You don't know where she was in '35? A No sir.

Q You don't know whether she was here or not? A She said she was not here.

Q Why do you remember that? A Well I was talking about the rights of the people here.

Q You can remember that for several years ago that she told you at that time she hadn't been down here? A Yes sir.

Q Why did you ask her that question? A She was asking me about her kinfolks; she asked me first did the Indians quit killing the negroes for going down in the Cherokee Nation; I said they kill one once in a while and sometimes a negro kills an Indian; and she says I would like to go down there, I haven't been down there since the war; do you know Tom Alberty and Jess Vann?

Q What did you tell her? A I told her yes. You know the Rosses? Yes sir; asked me did I know the Vanns? I told her yes; asked me did I know the Browns; I told her yes. Jim Brown that is some of her kinfolks; and she asked me did I know him, he is my half-brother; I says I did; where does he live, I says in Coffeyville, Kansas. He is my half brother.

Q What else did she say? A She said I want to send my boy along with you and Uncle Jack to see his Uncle; take him down to see his Uncle Thomas and I will be down this fall.

- Q What else did she say? A Talked about first on folks and then another.
- Q Give me some words that she used? A She said people are coming in all the time along by what I told her, I told her yes they come in and out all the time; she asked me who was my folks; I told her; asked me who my folks was and I told her; asked me was her folks all about and living, and I told her; I answered as well as I knew how.
- Q What else did she say in that conversation about anything, I don't care whether it was about her citizenship down here; what else? A I don't remember exactly every word.
- Q Why can't you remember any other conversation that took place then? A I remember this much; she asked me did you have good schools down here; and I told her no; she said she would like to be where her children could get to school down here; she asked me did I go to school, I said a little, she said that would be a great draw back; she said I would like to have my children to go to school, but I don't want to lose my right down there; I don't know what all he talked together.
- Q What else did she say? A I don't know what else she said.
- Q Well about everything you talked about, we want to hear it? A That is about all I remember of it.
- Q You are giving what she told you on that occasion? A Yes sir, we talked about it.
- Q You have remembered that 21 years have you? A I remember it all right, we have talked about it along.
- Q You remember one part of that conversation as well as you do another? A That part of it yes sir, because she turned her boy over to me and told me to bring him to his Uncle's.
- Q Where do you live? A Talala.
- Q Where does she live? A Nowata.
- Q How far is that from you? A 12 miles from me.
- Q Are you any relation to her? A No sir, none at all.
- Q Is she here to-day? A No sir, I don't know whether she is or not.
- Q What was her boy's name? A Will.
- Q Will what? A Martin.
- Q Where did you bring him to? A Coffeyville, Kansas.
- Q You left him at Coffeyville? A Left him at Coffeyville.
- Q You don't know where Jane Martin or Jane Claggett was in '09 or '06? A No sir, I didn't know her then.
- Q Don't know anything about that? A No sir.
- Q What part of Council Grove was she living in at that time? A The streets was running east and west and she lived on the south side of the street with her three children.
- Q She and her three children were living alone? A Yes sir.
- Q How much of a house did they have? A They had a good little box house there.
- Q You don't know how long they had been there? A No sir, she said she had been there quite a while.
- Q You remember she told you at that time she had been there quite a while? A Yes sir.
- Q How do you happen to recollect this conversation 21 years ago? A That's no trouble to recollect some things; I recollect things longer than that.
- Q How can you remember she told you she lived at that house quite a while? A I can remember that until I died.
- Q What? A I can remember that always, because it is not very strange; whenever two Indian darkies meet way off in the states they talk about parties.
- Q You think it is not strange that you remember 21 years ago just the conversation that took place? A No sir, because it was like seeing some of my folks from the Nation.
- Q Did you ever have any trouble with Jane Claggett? A Never did.
- Q With Alexander Claggett? A Never did in my life; we are good friends.

-4-

Q Tell me your name again, I don't remember it? A Haywood Rowe.

W. F. WASTINGS, being sworn, makes the following statement:

I desire to make the statement that the payment that was referred to by the witness in his testimony was made in 1860, or from the 1830 roll.

BY W. F. WASTINGS: I want that testimony filed in D 315,
D 318 and D 798.

W. 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.

W. D. Green

Subscribed and sworn to before me this February 4, 1902.



Commissioner.

COMMISSION

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AMONG OTHERS

NOTICE!

IN THE MATTER OF the application of Alexander Claggett,
for enrollment as Cherokee Freedmen:

Case No. F. D. 303

To Alexander Claggett or Mellette & Smith his 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 Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T.

Indian Territory, on April 29, 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 Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 26, 1902.

L B Bell

M. W. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Hellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case P D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jane Claggett, D 303;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1863, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

By Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

~~in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.~~

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothcnberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

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

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 303.


DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, March 19, 1903.

In the matter of the application for the enrollment of
Alexander Claggett, et al. as Cherokee Freedmen.

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

From an examination of the Cherokee census roll of 1867, made under the authority of article twelve, section one, of the treaty of 1866, it appears that the applicant, Jane Claggett, is identified thereon as Jane Martin, at page 234, Illinois District.

It is ordered that copies of this statement be filed herewith and made a part of the record herein.


Commissioner.

C.F.D.303.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, L. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of
the application for the enrollment of Alexander Claggett et al.,
as Cherokee Freedmen.

Apperances:

J.S.Davenport & L.B.Bell, Attys. For Cherokee Nation;

ANDY FRYE, being first duly sworn and being examined,
testified as follows:

BY COMMISSION: What is your name? A Andy Frye.
Q How old are you? A I'm 68.
Q What is your postoffice? A Chaffee.
Q In what district do you live? A Delaware.
Q Do you know Jane Claggett, who has applied for enrollment as a
Cherokee freedman? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Who did she belong to? A She belonged to Joe Martin.
Q Was she taken out of the Cherokee Nation during the war?
A yes sir.
Q Where was she taken to? A Up in Kansas.
Q When did she return? A She returned in '66.
Q What time of the year? A It must have been winter; along in
the latter part of the year; it was late but it was warm.
Q Was it before Christmas, in '66? A It was before Christmas.
Q Who did she come back with? A She come back -- there was a
white man brought her there in a wagon, I don't know who the man
was, just her and her little boy.
Q When did you first see her after the war? A That was in '66,
that was right there where I lived.
Q Where did you first see her? A Across Grand River, on the east
side of Grand River.
Q In what district? A Delaware district.
Q At whose place? A At Dr. Thompson's place, I was living there.
Q What other colored people were living there at that time?
A There was a man by the name of Tobe Schrimsher, but he's dead.
We had the place rented.
Q Who else was living there besides you and Tobe Schrimsher?
A There wasn't anybody. Yes, there was Uncle Butler and Uncle
Tom, they are both dead.
Q Was there any other colored people living there that are still
living now? A No sir.
Q Were there any Cherokees living there that you know?
A There was Cherokees living around there.
Q Can you name some of them? A Yes sir, I could name some of th
them; some full bloods. Sheep, and Thompson Sucker.
Q Who else? A There was a good many of them; I can't hardly
think of their names. There was an Indian there by the name of
--I can't think of the name. There was another lived there they
called him Tahkee.
Q Did this Jane Claggett stay there? She satyed there 2 or 3
weeks; I think she was there after Christmas, I am not certain.

Q Then where did she go to? A I couldn't say.
Q Do you know where she was living during the year '67?
A No sir, I really don't know.
Q Who did she live with when she stayed there near your place
in '66? She stayed right there with me at the house there.
Q She lived with you? A Yes sir.
Q About how old was she at that time? A A I don't know sir,
how old she was, she had one child, one boy.
Q What did she call that boy? A Bill, I believe.
Q Do you remember anything about the census of 1867? A I
think I do.
Q Was Jane Claggett, did she go by any other name at the time she
was living with you, besides Jane Claggett? A Seems to me like
she went by the name of Majors, I think I am not certain.
Q Did you know her father and mother? A Yes sir.
Q What was her mother's name? A Mary.
Q Mary what? A We called her Mary Taylor.
Q What was her father's name? A Ben.
Q Was Jane Claggett ever known by the name of Jane Martin at that
time? A Yes sir, we knowed she belonged to the Martin family.
Q Was she often called Jane Martin? A Yes sir, a good deal.
Q By which name was she best known, Jane Martin or Jane Claggett?
A She wasn't known by the name of Claggett then.
Q Only known by the name of Martin then? A Yes sir.

MR. BELL: I think you stated her name to be Majors? A Majors
and Martin.

BY COMMISSION: How did she get the name of Majors? A I guess
it was by having a man.

Q You don't know where she went to after she left your place?
A No sir.
Q Where did you see her the next time? A The next time I saw
her it was here in Vinita. I don't really know what time it was.
Q Was that a good many years afterwards? A Yes sir.

MR. BELL: What is the name of that white man, if you recollect?

A I don't know what his name was.
Q They come there, come in a wagon? A Yes sir.
Q Didn't they have some provisions along for carrying?
A Yes sir, they had provisions.
Q Stayed with you only a short time? A Yes sir, he only stayed
a short time.
Q He went off with her, did he? A He come back and went off with
her.
Q We come back and got her? A Yes sir.
Q After they left there you never knew anything of her whereabouts
at all? A No sir.
Q Until you met her here some years later in Vinita? A Yes sir.
Q You couldn't tell then anything about where she has been?
A No sir.
Q She was named Jane Martin from the fact that she belonged to
Joe Martin? A Yes sir.
Q When she came there and went off, when she came to your house,
she was known by the name of Jane Majors? A Yes sir.
Q You don't know whether this white man's name was Majors or not?
A No sir, I don't know.
Q They stayed with you probably 15 or 20 days? A Yes sir,
maybe 3 weeks or longer, I don't recollect, it has been so long.

BY COMMISSION: By which name was she known best when she came to
your house, Jane Majors or Jane Martin? A She was known by
Martin the best, most everyone of us called her Martin.

Q She did go by both names? A Sometimes we did call her Majors.

MR. BELL: Andy, as a matter of fact, you never knew her by the name of Majors until she came there that time? Of course you knew her you had always known her by that name? A Yes sir.

Q There was only three or four of you knew her, of course they all knew her as Jane Martin, because they had never known her as Jane Majors until she came with this white man? A Yes sir..

Q When she came there her name had been changed from Jane Martin to Jane Majors, that is your understanding? A Yes sir.

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

BY COMMISSION: What is your name? A George W. Vann.

Q How old are you? A Fifty-three.

Q What is your post office? A Lenapah.

Q In what district do you live? A Cooweescoowee.

Q You are not the George Vann that was in the Horse Creek fight, are you? A Yes sir, I am the very man.

Q Are you the one that was captain? A Yes sir, I was captain.

Q Do you know Jane Claggett? A Yes sir.

Q Did you know her before the war? A Yes sir.

Q What was her name? A She belonged to Joe Martin, and she would be called Jane Martin.

Q Was Joe Martin a Cherokee citizen? A Cherokee citizen.

Q Was she taken out of the Cherokee Nation during the war? A

A yes sir, I saw her in Kansas, but I don't know when she went out.

Q When did she come back? A I don't know when she came back. I will tell you when I seen her. I first saw her after the war at Andy Frye's. The year I come here I didn't live in that neighborhood, but Jonathan Webber, somebody stole his horse, and they got me to help him hunt it. We went to Wayesville, there was a few people in the country that time, and stayed all night with Harry ~~Downing~~ Downing, and we heard of the stolen horse down in that neighborhood, so we went and called on Uncle Andy Frye, knew him all my life, we made for his house, and when we got there Jane was there and her baby.

Q What did they call her at that time? A I don't know, I just stayed all night and went off, went back down in the other neighborhood.

Q When was that? A In '67, about Christmas in '67.

Q She was then at Andy Frye's house? A Yes sir.

Q Didn't you know her name at that time? A Always called her Jane Martin. We didn't have any talk about her name.

Q Do you know where she lived after that? A The next time I saw her was out on the Verdigris, at Jess Brown's.

Q When was that, how long afterwards? A That was the last of '67.

Q That was on the Verdigris? A Yes sir.

Q In what district was that? A That was in Cooweescoowee.

Q Do you know how long she had lived in Cooweescoowee District?

A I don't exactly. I had seen her at different times in the district. I couldn't tell where she lived all the time.

Q Did she ever live in Illinois District in 1867? A Not as I know of.

MR. BELL: George, ever know her as Jane Majors? A No sir, never known her so until these late years. Way afterwards I heard her called Jane Majors. We always knowed her as Jane Martin, because Uncle Ben Martin was her daddy. I knowed her before the war.

Cher.Fr. D-303.

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 his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 27th day of October, 1903.

Charles F. Sawyer
Notary Public.

(C O P Y)

(8)

C. M. McR.

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

In the matter of the application of Jane Claggett et al,
for enrollment as Cherokee freedmen, consolidating the applications
of:

Jane Claggett et al	Cherokee Freedmen D 303
William Martin	Cherokee Freedmen D 315
Clara Barnes et al	Cherokee Freedmen D 318
Mamie Irven et al	Cherokee Freedmen D 798

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jane Claggett for herself and her minor daughter, Rosa E. Claggett, and her husband, Alexander Claggett; by William Martin for himself; by John E. Barnes for himself, his wife, Clara, and their minor children, Jane and William Barnes; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Precilla Barnes; and by Samuel Irven for himself, his wife, Mamie, and their minor children, Richard and Minerva Irven. Alexander Claggett, John E. Barnes and Samuel Irven possess only those rights they acquired by virtue of their marriage to their respective wives, herein, and their applications are not passed upon at this time, nor are they embraced in this decision.

The evidence shows that Jane Claggett and her son, William Martin, were the slaves of a Cherokee citizen at the commencement of the rebellion, and were taken out of the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation; that all the other applicants herein are the descendants of Jane Claggett and were born since 1866.

It further appears that the said Jane Claggett is identified, by the name of Jane Martin, on the Cherokee census roll of 1867, made under the provisions of article twelve, section one, of the treaty of 1866.

The evidence further shows that the said Jane Claggett, William Martin, Clara Barnes and Mamie Irven have resided in the Cherokee Nation continuously for more than twenty years immediately preceding the date of their applications herein. It is considered that the minor children above named, have resided all their lives with their parents, through whom they claim.

It is, therefore, the opinion of this Commission that Jane Claggett, Rose E. Claggett, William Martin, Clara Barnes, Jane Barnes, William Barnes, Precillar Barnes, Mamie Irven, Richard Irven and Minerva Irven, should be enrolled as Cherokee Freedmen 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. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this Jul 23 1904.

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

Muskogee, Indian Territory, March 7, 1905.

In the matter of the allotment of land to Rose E. Bailey,
nee Clagget, Cherokee Freedman Card No 1409, Approved Roll No. 3838.

Fred Bailey, non-citizen husband, being sworn, testified
as follows:

Examination by the Commission:

- Q What is your name? A Fred Bailey.
Q How old are you? A 30 years of age.
Q What is your post office? A Nowata, Indian Territory.
Q Do you make any claims to Cherokee citizenship? A No sir.
Q Citizen of the United States? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Rose E. Bailey.
Q Was she ever married before she married you? A No sir.
Q What is the name of her father? A Alexander Claggett.
Q What is the name of her mother? A Jane Claggett.
Q What is your object in appearing at the land office today?
A To designate lands for an allotment for my wife.
Q Have you any written authority from your wife to designate these
lands? A Yes sir.

Witness offers Power of Attorney executed by Eva Bailey,
Dated March 4, 1905, wherein she appoints Fred Bailey her lawful
attorney to file on lands for her in the Cherokee Nation.

- Q Is Eva Bailey who has executed this power of attorney identical
with Rose E. Bailey whom you have been testifying about? A Yes
sir, the same person.
Q The letter E. in her name stands for Eva does it? A Yes sir.
Q While her name is Rose E. Bailey she is called Eva is she? A Yes sir.
Q Are you the same person mentioned in this Power of Attorney?
A Yes sir.
Q State the reasons why your wife does not make personal appearance
and election? A Her health will not permit.

- Q Have you a physician's certificate to that effect? A Yes sir.
Witness offers physician's certificate signed by D.D. Howell,
M.D. dated March 4, 1905, in which he states that he has been
attending Mistress Eva Bailey for the last 4 months and that her
condition of health is such that she is unable to leave her home.

- Q Are the lands you wish the designate as allotments for wife im-
proved? A Yes sir, under cultivation.
Q Is your wife residing upon these lands? A Yes sir.
Q Do the lands lay west of the Grand river? A Yes sir.
Q Is this the first application that has been made for land for wife?
A Yes sir.
Q When were you married? A November 9, 1904.
Q Were you married under United States license? A Yes sir.
Q Who married you? A Samuel Webber.
Q Was he a minister of an official? A Minister.
Q Are you and your wife living together at this time? A Yes sir.

Blanch Ashton upon oath states that as stenographer to the
Commission to the five civilized Tribes she accurately recorded
the testimony in the above entitled cause and that the foregoing
is a correct transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 7th day of March, 1905.

Blanch Ashton
H. H. Howells

Notary Public.

1000

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Alexander Clappett,
Muskogee, I. T.
Cherokee F-D-303.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-303.

Muskogee, Indian Territory, September 10, 1903.

Jane Claggett,

Nowata, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required tending to identify you upon the Cherokee roll of Freedmen of 1867, as Jane Martin; also evidence as to whether or not you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-303.

Muskogee, Indian Territory, September 10, 1903.

Edgar Smith,

Attorney for Alexander Claggett, et al.,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Alexander Claggett, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required tending to identify Jane Claggett upon the Cherokee Freedmen roll of 1867, as Jane Martin; also evidence as to whether or not she returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY

Cherokee Freedmen

D-303.

Muskogee, Indian Territory, August 18, 1904.

Alexander Claggett,

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, granting, among others, your application for the enrollment of your wife, Jane Claggett, and your minor child, Rose E. Claggett, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

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

formed of the same.

Respectfully,

Jame Dixby.

Commissioner *Chairman.* in Charge.

Encl. S-95.

Register.

COPY

Cherokee Freedmen
D-303-327-758.

Muskogee, Indian Territory, August 11, 1904.

Esqr Smith,

Attorney for Jane Claggett, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated July 20, 1904, in the consolidated case of Jane Claggett, et al., granting, among others, the applications for the enrollment of Jane and Rose E. Claggett, William Martin and Marie, Richard and Minerva Irvon as Cherokee freedmen. 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 Jane Claggett, Nowata, Indian Territory, by the attorney for the Nation.

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

Respectfully,

Jame Dixby.

Commissioner in Charge.

Encl. S99.
Register.

Chairman.

COPY.

Cherokee Freedmen
D-303-315-318-798

Muskogee, Indian Territory, August 19, 1904.

The Honorable, .

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jane Claggett, et al., including the Commissioner's decision, dated July 23, 1904, granting the applications for the enrollment of Jane and Rose B. Claggett, William Martin, Clara, Jane, William and Precillar Barnes and Mamie, Richard and Minerva Irvon as Cherokee freedmen.

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

Respectfully,

Fame Bixby.
Chairman.

Encl. S-100.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer in reply
to the following:
Land
57608-1904

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

September 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Jane Claggett for herself and her minor daughter, Rose E. Claggett; by William Martin for himself; by John E. Barnes for his wife, Clara, and their minor children, Jane, William and Precilla Barnes; and by Samuel Irvén for his wife, Mamie and their minor children, Richard and Minerva Irvén.

July 23, 1904, the Commission decided favorably to the applicants.

The evidence shows that Jane Claggett and her son, William Martin were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and returned thereto prior to February 11, 1867; that all of the other applicants are the descendants of Jane Claggett and were born since 1866.

It is further shown that Jane Claggett is identified by the name of Jane Martin on the Cherokee census roll of 1867. She is also identified on the Kern-Clifton and Wallace rolls. None of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D.C. 40761-1904
I. T. D. 7680-1904.

W.C.F.
J. P.
FHE
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 20, 1904.

Commission to the Five Civilized,
Muskogee, Indian Territory.

Gentlemen:

On August 19, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Jane Claggett, et al (F.D.-303-315-318-798), including your decision of July 23, 1904, granting the applications for the enrollment of Jane and Rose E. Claggett, William Martin, Clara, Jane, William and Precillar Barnes and Mamie, Richard and Minerva Irven.

The Original application included the names of Alexander Claggett, Jane E. Barnes and Samuel Irven, who claim rights as intermarried Cherokee freedmen. Their status as such was not passed upon by you, and their names are therefore not included in this decision.

Reporting September 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

1 inclosure.

Thos Ryan
Acting Secretary

TO BE SENT TO THE FOLLOWING:

5-1100

RECEIVED ONLY
DEPARTMENT OF THE INTERIOR

Land-Five
Tribes.
80335-17
J F D

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

Copies of
birth affidavits in
certain Creek freedmen
cases.

SEP 14 1917

Mr. John E. Parker,

Supt., Five Civilized Tribes.

Reference is made herein to the communication
of August 21, 1917, from the Acting Superintendent for the
Five Civilized Tribes, requesting certified copies of
affidavits filed in connection with the application for
the enrollment of Jane, William, and Precilla Barnes,
children of Clara Barnes.

It appears from the Acting Superintendent's
birth affidavits and other papers in said
consolidated with the Cherokee freedmen case
et al. The Office records show that
request was received for copies of
the above mentioned consolidated
freedmen case, but that the record and papers
in said case appeared to have been misplaced and could
not be found in the Office files, and, therefore, that
the Office was unable to furnish the copies of the papers
requested.

In view, however, of the Acting Superintendent's
request of August 21, 1917, a search and more
of the Office files will be made, and if

Very truly yours,



SEP 2 1917

Cher Fr 1410

Trans. from Cher Fr D318

Cher Fr 1410

Department of the Interior
Commission to the Five Civilized Tribes.
Vinita, I.T., May 16, 1901.

In the matter of the application of John F. Barnes for the enrollment of himself, wife and two children as Cherokee Freedmen. John F. Barnes, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A John F. Barnes.
Q How old are you? A 30 years old.
Q What is your post office? A Elliott.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir, according to my marriage.
Q You are not a citizen only by marriage? A Yes sir.
Q You apply to be enrolled as an intermarried Cherokee? A Yes sir.
Q You desire to enroll your wife and family? A Yes sir.
Q What is your wife's name? A Clara Barnes.
Q What is her age? A About 27, going on.
Q How many children have you got? A Two.
Q What are the names of your children? A Jane Barnes.
Q How old is Jane? A 4 years old.
Q What is the next child? A 16 months old.
Q What is its name? A William.
Q What is your wife's father's name? A I don't know, sir; when I married her she went by the name of Martin, only she had a step-father by the name of Claggett.
Q What is her mother's name? A Jane Claggett.
Q Is she living? A Yes sir.
Q You say you don't claim citizenship yourself, you are a state man?
A Yes sir, only by marriage.

Commissioner: Applicant presents a duly authenticated marriage license and marriage certificate issued by the authorities of the Cherokee Nation, certifying that he was married on the 30th day of June, 1895; said marriage license being ~~xxxxxx~~ duly recorded and issued under the laws of the Cherokee Nation.

- Q Your wife's name isn't on the 1880 roll? A No sir.
Q Did your wife draw what is known as the strip money? A Yes sir.
Q On the Kerns-Clifton Roll? A Yes sir and the Wallace.
The 1880 Authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kerns-Clifton roll examined, and the applicant Clara Barnes identified thereon, page 108, No. 2542, as Clara Barnes, nee Martin, Cooweescoowee district.
Q Was Jane Claggett applied here to be enrolled? A Yes sir.
Q I suppose the evidence in her case would be the same as your wife's case? A Yes sir.
In Well, Cherokee Attorney: It would be except the matter of residence, or something of that sort.

The Wallace roll examined, and the applicant Clara Barnes, identified thereon, page 127, No. 2676, Cooweescoowee district, as Clara Martin.

Clara Martin being duly sworn and examined by Commissioner Needles, testified as follows:

- Q Where were you born? A In the Cherokee Nation.
Q Lived here all your life? A Yes sir.
Q Living here now? A Yes sir.
Q Is John Barnes your first husband? A Yes sir.

John F. Barnes, recalled, testified:

- Q Were you ever married before you married this time? A No sir.
Q How long have you lived in the Cherokee Nation? A Ever since 1895.

John E. Barnes --2

Q. Where were you born and raised? A. Mississippi, Yacon county seat
Q. You say you were never married before? A. No sir; it ought to be
John, I had to get ten from home, and the proof shows it.

It is noted: John E. Barnes applies for the enrollment of himself, his wife, and two children, Jane and William. He applies for the enrollment of himself as an intermarried citizen. He presents satisfactory proof of the fact that he was married according to Cherokee laws on the 30th day of June, 1895, to his wife, Clara, she being the daughter of Jane Claggett. Her name is not found upon the authenticated roll of 1850, but she is duly identified upon the Kerns Clifton and Wallace rolls. She makes satisfactory proof as to her residence, as does the applicant. The question of her citizenship depends upon the citizenship of her mother, Jane Claggett taken in the application of Jane Claggett for the enrollment of herself is referred to in the present case, and will be made part of the record in the case of the applicant's wife Clara and two children. By reason of the fact that the said Clara Barnes, wife of said John E. Barnes, is not found upon the authenticated roll of 1850, and the further fact that her citizenship is contested by the Cherokee Nation, said John E. Barnes will be listed for enrollment as a Cherokee Freedman or intermarriage upon a doubtful card, and the name of his wife, Clara, and his two children as enumerated herein, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration by the Commission. When a conclusion is arrived at, the applicant will be informed of the same by mail. It will be necessary for him to file satisfactory proof of the birth of the two children, their names not appearing upon any of the rolls of the Cherokee Nation.

---c---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE C. JONES.

Sworn and subscribed before me this the 17th day of May, 1901.

C. E. BRUCKENRIDGE,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, on oath states, that the above and foregoing is a true and complete copy of the original testimony of John E. Barnes and Clara Martin, taken at Vinita, I. T. on May 18, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this 13th day of December, 1904.

J. Campbell

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED
MAY 10 1901

[Faint handwritten signature]
SPECIAL AGENT IN CHARGE

CHEROKEE FREEDMEN.

Date May 16, 1901
Post Office J. Ruby, Ga.
District Commissary

1. Name John E. Barnes Age 30
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father Doubtful Citizenship _____
Mother _____ Citizenship _____

2. Name of wife Lebara Barnes Age 27
Owners name _____ Citizenship _____
Year Mo. Page 102 No. 2542 District Co

Parents:
Father _____ Citizenship _____
Mother Jane Chagett - living Citizenship _____

Names of Children:

- 3. Jane Barnes Year _____ Page _____ No. _____ Dist. 4
- 4. William Year _____ Page _____ No. _____ Dist. 16
- 5. Year _____ Page _____ No. _____ Dist. _____
- 6. Year _____ Page _____ No. _____ Dist. _____
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

Application made by John E. Barnes Stenographer John Jones

- 1 Applies as an intermarried citizen
- 2 On R.R. roll as Lebara Barnes nee martin
- 2 & Wallace Page 127 - 2676 - Lebara martin - lew
- 3 and 4 - Affidavits by both required

X 5323

File with John W. Barnes et al., Doubtful Cherokee Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15th, 1901.

In the matter of the application of Jane Claggett for the enrollment of herself and one child as Cherokee Freedmen; said Claggett being sworn and examined by Commissioner T. B. Needles, testified as follows: Also applies for her husband by intermarriage.

- Q What is your name? A Jane Claggett.
Q What is your age? A I expect I am near 60.
Q What is your postoffice? A Coweesocowee.
Q That is your district, what postoffice? A Nowata.
Q You apply to be enrolled as a Cherokee Freedman do you?
A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation?
A No, sir.
Q Never drew any money from any other tribe or nation? A No, sir.
Q Who do you want to enroll? A I have one under age.
Q What is its name? A Rosa Eva Claggett.
Q She is 16 years old? A Yes, sir.
Q Is your name on the roll of 1880? A It ought to be, but I can't tell you whether it is or not.

By Mr. Smith, of the firm of Kellet's & Smith, Attorneys for Applicants:

- Q Mrs. Claggett, who was your father? A My father was named Ben Vann, but he died before I knew anything about him.
Q Your mother? A Mary Taylor, she belonged to a man, I belonged to Martin.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where were you living when the war between the North and South broke out? A On Cabin Creek, here in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at any time during the war?
A I went out in '62.
Q And where did you go to? A Went to Fort Scott, that is where we was taken by the soldiers.
Q Did you return to the Cherokee Nation? A Yes, sir.
Q When? A Yes, sir, I returned in the year of '66, just two weeks before Christmas.
Q Where did you come to when you came back? A I came around on Grand river, down east of where the old home place was, east of Cabin Creek, the old home place.
Q Where have you lived since that time? A All about here in the Nation; I had a little boy tracking around and I just worked around here until I married.
Q Whom did you marry? A I married Alexander Claggett.
Q Where are you living now? A I am living in Coweesocowee district, in three miles of Nowata, north of Nowata.
Q How long have you lived there? A I have lived there 34 years, if I aint mistaken.
Q Were you on the Kerns-Clifton roll? A Yes, sir, and the Wallace roll.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 101, #2538, Jane Claggett, Coweesocowee District.

The name of applicant's child not found on the Kerns-Clifton roll.

- Q Did your child ever go by any other name besides Rosa Eva?
A No, sir.
Q What is its name, Martin or Claggett? A She might be Martin on there.

Jane Claggett - 2.

Q Are you sure you draw money for this girl? A No, sir; I didn't draw money for her.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, #2675, as Jane Martin, Cooweescoowee District.

Q Did you draw money from the Wallace payment? A Yes, sir.

Q Did you draw money from the payment that followed the Kerns-Glifton roll? A Yes, sir.

By L. B. Bell, Cherokee Representative:

Q When did you return to the Cherokee Nation? A I returned in '66, just two weeks before Christmas.

Q Who come with you? A I come along with some Creek folks that was coming back and I got in with them and come as far down as Cabin Creek.

Q Who were they? A I don't know who they were.

Q Never did know their names? A No, sir, I got in with them, I had this child and my stepfather didn't like me from that.

Q Where did you start from? A Mapleton, Kansas, on the Osage river.

Q Were these Creek people Freedman or Indians? A Colored folks, went back to the Creek Nation.

Q You never had seen them before? A No, sir; you see me and my stepfather kind of fell out on account of that child I had, and I went to them and asked them if they were coming back and I come with them.

Q You can't recollect who they were? A No, sir.

CYNTHIA LYNCH, being sworn and examined, testified as follows:
By Mr. Smith:

Q State your name? A Cynthia Lynch is my name now.

Q How old are you? A 51.

Q Where do you live? A I live in Vinita now.

Q How long have you lived in Vinita? A About five years next September since I moved to town; I lived on the river on the farm ever since, well all the time before I moved to Vinita.

Q Do you know this applicant who has just left the stand, Jane Claggett? A Yes, sir.

Q How long have you known her? A The first I remember seeing her was sometime in December, '66, she is the only one I ever knew by that name, and she claims to be the same woman.

Q Where did you see her? A Over there at Doctor Thompson's place on Grand River.

Q Did you know her before the war? A No, sir, I was too small.

Q Have you known her from the time you saw her there from time to time since that or not? A I don't remember seeing her since that time up to the Wallace roll.

Q That was along in December, 1866, you saw her? A Yes, sir.

By L. B. Bell:

Q How old was she at the time you saw her in 1866?

A I aint able to tell you.

Q Did she look like a young girl, woman or what? A She looked more like a girl than a woman.

Q Who was with her? A I remember her the same woman I see now, claims to be.

Q You didn't see her any more? A Until the Wallace Court.

Q 1885? A I didn't keep any record of it, I don't remember Mr. Bell, in what year that Wallace Court was.

Q That was in 1889; you knew her when you met her at the Wallace Court? A Not until she told me who she was.

Q When were you and Al Lynch married? A We were married in the fall of '67.

Q Well what was you doing up at Doctor Thompson's place? A Well

Jane Claggett - 3.

that spring, I was then there in that spring, in March, the 4th of March, I begin the teach school there.

NELLIE FRYE, being sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Smith:

- Q State your name? A Nellie Frye.
- Q Where do you live? A I live on Grand River.
- Q How long have you lived there? A Oh, I have lived on Grand River ever since '66.
- Q Do you know the applicant, who has just left the stand here, Jane Claggett? A Yes, sir.
- Q Did you know her before the war? A Yes, sir.
- Q Do you know whether she was a slave or not? A Yes, sir, she was a slave.
- Q To whom did she belong? A Joe Martin.
- Q Was he a Cherokee citizen? A Yes, sir.
- Q Do you know of your own personal knowledge whether she went out of the Cherokee Nation during the war or not? A Yes, sir, she went when we did, in '62.
- Q Do you know whether she came back or not? A Yes, sir, she was to our house in '66 in the winter, just before Christmas.
- Q Where was your house? A Across the river, at Doctor Thompson's place.
- Q Do you know where she has been living since that time? A No, sir.
- By L. B. Bell:
- Q How did she get to your house? A Come there walking.
- Q Come there foot? A Yes, sir.
- Q How did she find the way there? A She said they told her at Kells' place.
- Q Where is Kells' place? A Close to Cabin Creek.
- Q Lewis Kell was living there? A I don't know who was living there; I don't know whether Kell was living there or Mr. More.
- Q How long did he stay there? A She come two weeks before Christmas and stayed there two weeks with her child, we could not feed her times was so hard.
- Q You had to turn her adrift? A Yes, sir; we had to turn lots of them adrift, we had to live on hickory nuts and without bread to eat and all that, and we could not take in just anybody; we had a hard time; you need not tell me, Mr. Bell, that polk greens is poison, we had to live and eat them many times, I have cracked a pan of hickory nuts and eat them for dinner.
- Q Who was this Jane's mother? A Old Aunt Mary.
- Q What was her father's name? A Ben Vann, but I didn't know him.
- Q He didn't belong to Joe Martin? A No, sir.

Jane Claggett, the Applicant, re-called, testified as follows:

By Mr. Smith:

- Q Jane, what was your name before you married Claggett? A Jane Martin.
- Q Did you have a certificate of marriage to Claggett? A Yes, sir.
- Q Have you got that certificate with you? (Hands paper to Com'r)
- Q You have ~~got~~ your certificate with you? A Yes, sir.
- Com'r Needles: Applicant presents a marriage license and certificate of marriage duly authenticated and issued by the Cherokee Nation, certifying that she was married according to the laws of the Cherokee Nation to one Alexander Claggett, a citizen of the United States, on the 15th day of September, 1881, and she applies for the enrollment of her husband, Alexander Claggett, as an intermarried citizen.
- By L. B. Bell, Cherokee Representative:
- Q What was your mother's name? A Mary Martin, she belonged to

Jane Claggett - 4.

uncle Joe.

By Commissioner Needles:

- Q How old is your husband? A My husband is 70.
Q Is he living? A Yes, sir.
Q Has he lived with you continuously since he married you?
A Yes, sir.
Q Living with you now? A Yes, sir.
Q He is a colored man? A Yes, sir.
Q What is his postoffice? A Nowata.

Com'r Needles: Jane Claggett applies for the enrollment of herself and one child as Cherokee Freedmen and for the enrollment of her husband, Alexander Claggett, as a Cherokee Freedman by intermarriage; Her name is not found upon the authenticated roll of 1880, but it is found upon the Kern-clifton Roll and the Wallace roll. She applies also for the enrollment of her child, Rosa Eva, 16 years of age, and her name cannot be found upon any of the rolls. She presents satisfactory proof of marriage according to the laws of the Cherokee Nation to her husband, Alexander Claggett. She makes satisfactory proof as to residence, consequently Jane Claggett and her child, Rosa E., will be listed for enrollment as Cherokee Freedmen upon a doubtful card to await the further consideration of the Commission.

Her husband will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. In order to complete the enrollment of her child, Rosa Eva, it will be necessary for her to file satisfactory proof of its birth, its name not appear upon any of the rolls.

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

Signed, J. C. Rosson,
Subscribed and sworn to before me this 16th day of May, 1901.
Signed, C. R. Breckinridge,
Commissioner.

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that he copied the foregoing and that the same is a true and correct copy from the original.

Bruce C. Jones
Sworn to and subscribed before me this the 17th day of July, 1901.

[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Frank Whitmire for the enrollment of himself and five children.

Appearances:

Mellotte & Smith, attorneys for applicants;
W.W.Hastings and J.B.Davenport, Cherokee attorneys.

Frank Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Frank Whitmire.
Q What is your age? A About 56 I guess.
Q What is your postoffice? A Winiar.
Q What district do you live in? A Going Snake.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and ten children.
Q Give me the names of your children? A I can't recollect them (hands Commissioner paper.)
Q Four of these children are over 21; they will have to apply for themselves. A Yes, sir.
Q I find Jesse under 21; is that one of your children? A Yes, sir.
Q 14 years of age? A Yes, sir.
Q Ada another one? A Yes, sir.
Q How old is Ada; got her down as 16, is that right? A Yes, sir.
Q She is older than Jesse? A Yes, sir.
Q The next one Ella? A Yes, sir.
Q How old is Ella? A 22 I believe; 20.
Q You have got her down here is 15? A Well that is the age.
Q This is right, is it? A Yes, sir.
Q Got another one named George? A Yes, sir.
Q He 12? A 10 years old.
Q Well, how old is Bessie? A Bessie is 10; George is 12.
Q Bessie is 10? A Yes, sir.
Q That makes five; now Rachel is 20, is that right? A 23.
Q How old then is Lizzie? A Rachel is 29 and Lizzie 28.
Q Austin 27, and Anna 26 and Nelson 21? A Yes, sir.
Q You apply for yourself then and five children? A Yes, sir.
Q These children all alive, these younger children? A Yes, sir.
Q Living with you at this time? A Yes, sir.
Q All unmarried; Jesse isn't married? A No, sir.
Q Ada? A No, sir.
Q They are all living with you? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.
Q Who are your witnesses? A Dave French and Mose Riley and Grap Lynch.
Mr. Smith: How old are you, Mr. Whitmire? A About 56 I guess.
Q Were you born a slave? A Yes, sir.
Q Who did you belong to? A Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where did he live before the war? A In Going Snake.
Q Where did he live at the time the war commenced? A Lived in Going Snake.
Q In the Cherokee Nation? A Yes, sir.
Q Where were you living? A Lived right there with him.
Q Were you taken out of the Nation or go out during the war? A Went out during the war.
Q Where did you go to? A Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Where did you return to the Cherokee Nation, come back?

Frank Whitmire - 2.

- Q In '66.
Q Where did you come to? A To Gibson.
Q Fort Gibson? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you stay about Fort Gibson? A Just about a week.
Q Where did you go from Fort Gibson? A Went to Grand River.
Q What part of Grand River did you go? A Up to Bob Daniels' place on Grand River.
Q Cherokee Nation? A Yes, sir.
Q How long did you stay there? A About a couple of weeks.
Q Where did you go from there? A Went to Big Creek.
Q How long did you stay there? A About six months.
Q Big Creek in the Cherokee Nation? A Yes, sir, lived with my mother.
Q Then where did you go? A Then I went back to Springfield, Mo.
Q Were you married or single? A I was married.
Q Where was your family? A Down in Springfield, just my wife.
Q You didn't bring your wife? A No, sir.
Q When did you bring your wife back to the Cherokee Nation? A I went there and stayed a year and then went back.
Q Stayed in Springfield? A Yes, sir, in Springfield.
Q Then where did you go to? A Came to Big Creek.
Q Then how long did you live at Big Creek? A Been living at Big Creek about 29 or 30 years.
Q Do you know exactly how many years you have been living there?
A Not exactly, about that.
Q Where were your children born? A Born on Brush Creek some of them and some on Big Creek.
Q Were any of your children born outside the Nation? A No, sir, all born in the Nation.
Q Where are these children for whom you apply with you living; with you, the younger ones? A Yes, sir.
Q Is Rachel Whitmire your child? A Yes, sir.
Q Is her name still Whitmire or she married? A She is Ross.
Q What is her husband's name? A Mose Ross.
Q Where does she live? A She lives on Cedar Creek.
Q Is that in the Cherokee Nation? A Yes, sir.
Q How long has she lived there? A About three or four days years I believe she has been married.
Q Been living there ever since she has been married? A Yes, ever since she has been married.
Q Has she any children? A No, sir.
Q Well, what is Lizzie's name now? A Adair.
Q What is her husband's name? A Ben Adair.
Q She married to Ben Adair? A Yes, sir.
Q Has she any children? A Five children I think it is five.
Q Where does she live? A Lives up on the head of a little Creek they call White Oak.
Q That in the Cherokee Nation? A Yes, sir.
Q Now how long has she lived there? A About ten or 12 years to my best knowing.
Q Where does Anna live? A She lived on the prairie there about four miles from where I live, west.
Q In the Cherokee Nation? A Yes, sir.
Q She married? A Yes, sir.
Q Who is she married to? A George Ward.
Q Any children? A No, sir, she hasn't got any children.
Q Where does Austin Whitmire live? A He lived in Vinita.
Q How long has he lived there? A He has been living there about two or three years.
Q Where did he live before he went to Vinita? A He lived down in

Frank Whitmire - 3.

Sequoyah district.

Q How long did he live in Sequoyah district? A I don't know, about two or three years.

Q How long since Austin made your place his home; is he married or single? A He is married.

Q When did he marry? A He has been married about ten years I guess.

Mr. Davenport: Where did you go during the war? A Went to Fort Scott.

Q How long did you stay at Fort Scott? A Well, I didn't stay to Fort Scott very long.

Q Where did you go from there? A I came back to the Cherokee Nation.

Q What part of the Cherokee Nation? A Went down to the Cherokee Nation, down to Springfield, Missouri.

Q That isn't in the Cherokee Nation, is it? A No, sir.

Q How long did you stay at Springfield, Mo.? A Stayed around there till the war closed.

Q Well then after the war closed what did you do? A I went back to Fort Scott.

Q How long did you stay at Fort Scott then? A When I went back, well I stayed there then about till the war ended, to Springfield, Missouri, I stayed there and drove teams.

Q Then after the war ended at Springfield, Mo., and you quit driving teams, when you left there, where did you go? A When the war ended?

Q Yes, when you left Springfield, Mo.? A I can't recollect.

Q You don't know where you went then? Where were you married? A I was married in Springfield, Mo.

Q In what year? A Well, a year before the war ended.

Q What is your oldest child's name? A My oldest child, Rachel

Q What is your wife's name? A Martha.

Q Is she living now? A Yes, sir.

Q Well now after the war ended, you and your wife were living in Springfield, Mo., when the war ended? A Near Springfield, Mo.

Q Well, what did you do after that, after the war closed? A Why after the war closed I came back to the Cherokee Nation.

Q What point did you come to then after the close of the war? A Came to Gibson.

Q Did you bring your wife there? A No, sir.

Q Where did you leave her? A In Springfield, Mo.

Q She was keeping house there, was she? A Yes, sir.

Q Had you any children born at that time? A Had one, he was dead.

Q What was his name? A Charley.

Q Where did he die? A He died in the Cherokee Nation.

Q What year? A I can't tell you how long ago, about 14 or 15 years as near as I can recollect.

Q What did you do next then after you came back to Fort Gibson, as you claim? A After I came back to Fort Gibson I came to the Cherokee Nation.

Q You were in the Cherokee Nation when you came to Fort Gibson? A Yes sir.

Q What did you do next? A I came to Grand River.

Q Who did you see when you came to Grand River? A Why I seen these Bean boys.

Q Anyone else? A And Lynches.

Q Anyone else? A And - - oh I can't recollect.

Q How did you come back to the Territory the first time you came?

A Well I came back with some freight wagons.

Q When did you bring your family to the Cherokee Nation? A Well I left my family there, I came here, and I was here a year or maybe six months and left my family up there, and I came here and located

Frank Whitmore - 4.

me a place.

Q Where did you locate the place? A On Brushy Creek.

Q What part of the Nation is that? A Right near Big Creek, it is west of Big Creek.

Q Near whose place is it now? A My brother's place.

What is your brother's name? A Mart Whitmore.

Q Do you know Albert Morris? A Yes, sir.

Q Where was he living when you came back and located your place?

A When I first came myself I never seen Albert Morris.

Q How far did you locate the place from where Albert Morris' place is up on Big Creek? A I guess about three or four miles.

Q Did you have a place made there when you first saw Morris in that country? A No, sir.

Q Were you living on that place when Morris first came? A I was living to my brother's place.

Q How far is that from the Morris place? A About seven miles down the Creek.

Q Do you know Watt Starr? A Yes, sir, I was raised with him.

Q You know him before the war? A Yes, sir.

Q When did you first see him when you came back to the Cherokee Nation? A Well, it has been about twenty years ago.

Q You saw him about '78 or '9? A I don't know dates, if you get a date on me you have got me, I don't know the date.

Q You know you saw him there a short while after you came back to the Territory, don't you? A Yes, I saw him, but Watt Starr he don't know where I live, he couldn't go to my place.

Q I asked you if you saw Watt a short while after you came back to the Territory? A No, not a short while, I lived down the Creek then to my brother's house.

Q How long after you came back to the Cherokee Nation before you saw Watt Starr, the man with whom you have been raised, about how many years? A I can't tell you exactly.

Q Was it two or three? A No, I can't tell you exactly how long.

Q Can't you give me your best judgment as to how many years you had been here before you saw Watt Starr? A No, sir, I had been here a long time.

Q Well, the first time you saw him he came to your house to see about your coming back? A No, he never came to my house.

Q He came to see you somewhere? A No, he never came to my house, no, sir.

Q Didn't he come up where you were to see you? A No, sir.

Q Have you ever seen him since you came back? A I saw him down to Chelsea.

Q When was that? A When this Court was going on.

Q Was that the first time you saw him since the war? A The first time I saw him?

Q It was? A No, sir.

Q You had seen him before that and had a conversation in which you told him you had just come back from Kansas? A No, sir, I never lived in Kansas.

Q In which you told him you had just returned to the Cherokee Nation? A I told him I just came from below, I never lived in Kansas.

Q When was it you told him that, when you were in Chelsea enrolling?

A No, I never spoke to him in Chelsea, I made a mistake; I never saw him after the war until down here at Chelsea.

Q None of your other children, but the one, Charlie, was born in Kansas? A That is all, Charlie was born in Springfield, Missouri.

Q You lived right in the City, did you? A No, I lived out west of Springfield.

Q About how far? A About a quarter of a mile.

Q On whose place did you live? A I didn't live on anybody's place.

Frank Whitmire - 5.

I just lived in town.

Q I asked you if you lived in town and you said you didn't live in town. From whom did you rent your farm? A Well, I lived there just out on the reserve.

Q You lived on the Government grounds then? A Yes, sir, lived out on the reserve at a little shanty I built out there for myself.

Q Have you any brothers except the one you spoke of? A Yes, sir.

Q What are their names? A Mose.

Q Any other? A And Jesse.

Q They are your brothers? A Yes, sir.

Q They are living in the country? A Yes, sir.

Mr. Hastings: Did you have any witnesses at all before the Kern-clinton Court? A Yes, sir.

Q Who? A I went in, but they were not called.

Mose Riley, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Mose Riley.

Q How old are you? A 51.

Q Where do you live? A Chelsea.

Q How long have you lived there? A 21 or 22 years.

Q Do you know this applicant, Frank Whitmire? A Yes, sir.

Q Know where he lives? A Yes, sir.

Q Where? A On Big Creek.

Q How long has he lived there? A I don't know sir how long he has lived there, lived there a long time.

Q How far is that from where you live? A About 18 or 20 miles from where one of my places is.

Q Where did you first know Frank Whitmire? A I have knowed him ever since the war.

Q When did you first see him in the Cherokee Nation after the war?

A Right after peace, after we came back here I saw him.

Q How long after you came back here before you saw him? A I don't know nor how long, it wasn't very long though.

Q Give us your best judgment as to how long it was? A It couldn't have been more than three or four months I reckon.

Q Where did you see him? A Over in Saline district.

Q Don't know how long he has been back when you saw him? A We came back in the fall and I saw him t at same year, that same winter.

Q I say you don't know how long he had been back when you saw him?

A No, sir, I don't know that.

Q Did you see him once or more than once at that time? A I only saw him once right then but I saw him after that.

Q How long afterwards? A Next time I saw him it must have been three or four months afterwards up on what is called Lynch's Prairie, that was four or five miles from where I lived.

Q How long afterwards? A It must have been three or four months I reckon, four or five months, something like that.

Q How long after that, or when did he come up on Big Creek to live?

A I don't know sir just exactly when he did come there.

Q Do you know any of his children? A I know one or two of them, that is, by name.

Q Do you know his wife? A Yes, sir, know her when I see her.

Q Ever been to his house? A Yes, sir, I have been there a number of times.

Q Do they keep house? A Yes, sir.

Q Live together as man and wife? A Yes, sir.

Q How are they received in the neighborhood? A As man and wife.

Commissioner: When did you say you first saw this applicant? A Over in Saline.

Q After the war; when was that? A I don't know just exactly what

Frank Whitmire - 6.

time it was.

Q What year was that? A It must have been in the winter, it was along in the winter I think of, well the same year we came there.

Q When did you come? A I came in '66.

Q What time of the year did you come? A We came in the fall.

Q And you saw this man this next winter? A Yes, sir, I saw him that winter.

Q The fore part of the winter or last part of the winter? A It was close to about Christmas, I don't know now whether after or before Christmas, but it was along there somewhere.

Mr. Hastings: Who was with him? A He was by himself when I saw him.

Q Come to your house? A No, I had no house but he came to my father's house.

Q Where was he living? A I don't know sir where he was living, I know where his father was living.

Q Where was your father living? A On the old McNair place.

Q Made a crop there that year? A Yes, he made a crop there, I helped him to.

Q And there was nobody with this man? A Nobody with him when he came to my father's house.

Q Was he in a wagon? A No, sir, horseback.

Q How long did he stay there? A Just stayed there all night.

Q Was his wife with him? A No, sir.

Q Was he married at that time? A I don't know sir, whether he was or not.

Q Never heard him say anything about that? A No, sir.

Q He was a stranger to you, never saw him before? A I saw his father.

Q But him? A No, sir, I never saw him before.

Q About how old was he at that time? A I don't know.

Q Was he a man? A Looked like he was.

Q Now are there any particular circumstances that you remember his being there that time? A Yes, sir, he was inquiring about Uncle Mose Alberty.

Q Was that the particular circumstance? A Yes, sir, and I knowed his daddy.

Q He stayed all night at your house? A Yes, sir.

Q Was Mrs. Martin Thompson on that place at that time? A Yes, sir.

Q You had never seen him before the war? A No, never saw him.

Q How soon before you ever saw his wife? A I never saw his wife till '73.

Q Where did you see him? A When I saw him I ~~was~~ saw her at his house on Big Creek.

Q How far is that from Albert Morris? A I don't know where Albert Morris lived there.

Q Do you know where he lives now, where his farm is? A Yes, sir.

Q How far is that from his farm up there? A Well, where Frank lives now I guess it is about two miles and a half or three miles south.

Q Did this man have any children in '73 when you saw his wife?

A Yes, sir.

Q How many? A I don't know how many, I stayed all night at his house.

Q But you don't remember these children's names? A Remember their names, I remember their names when I hear them called.

Q You would have remembered it if it has been in '66? A I know that I would know it if I saw them in '66.

Q But you don't remember seeing them in '73? A I never heard their names.

Q About how old was the largest one? A I don't know, they are grown and married, most of them.

Frank Whitmire - 7.

- Q At that time, in '73? A Some good size girls and some good size boys.
- Q About how old was the oldest one? A I don't know, they were big enough to take my horse and put it up at his house.
- Q At that time, in '73? A Yes, sir.
- Q Was the oldest a girl or boy? A I don't know which one was the oldest one.
- Q Was it a boy took your horse and put it up? A Looked like a boy, it had on pants.
- Q And you think that was in '73? A It was in '73.
- Q You are positive of that? A Somewheres along about that time.
- Q I want to know if you are positive? A I can't say for sure it was then, but it was along there sometime.
- Q Could it have been as late as '75? A Well, I think it was '73, how I know it was '73, I have got a child that was born in '73, and it was born the night before I stayed all night at Frank's.
- Q You know he was born in '73? A I know my child was born and I stayed all night next night at his house.
- Q You are more positive in '66 then you are in '73? A Oh yes, you know we knew something about '66, I know something about now so far as that is concerned.
- Q Where was he living in '73, Frank? A Same place he is living now? A No, sir.
- Q How far from there? A Why I don't know whether it was on his place or his brother's place, I don't know which one of them it was, I don't know whose place it was, but where I stayed all night was on the side of the Creek, and he don't live there now.
- Q What side? A On the west side of the Creek.
- Q What Creek? A On the west side of Big Creek.
- Q You don't know whether it was his place or not? A I don't know, I never asked him.
- Q What sort of a house was he living on? A Log house.
- Q You don't know how far that is from where he is living now? A No, sir, I know where the place is if I could go to it.
- Q You don't know who is living on that place now? A No, sir.

Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Smith: State your name? A Anderson Lynch.
- Q How old are you? A 64.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Recognized citizen? A Yes, sir.
- Q Do you know this applicant, Frank Whitmire? A Yes, sir.
- Q How long have you known him? A I knowed him just a while time the war was coming up.
- Q Did you know hi before the war? A Yes, sir.
- Q Know whether he was a slave or not? A Yes, sir.
- Q Who did he belong to? A Johnson Whitmire.
- Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
- Q Citizen of the Cherokee Nation? A Yes, sir.
- Q Where did he live before the war? A Lived away down below Tahlequah, somewhere down in there.
- Q How far was that from where you lived? A Oh it must have been, I can't tell exactly how far it was, it was a good piece, it was two days travel I think down in there.
- Q Do you know where Frank Whitmire, this applicant, lives now? A No, sir, never was at his house.
- Q When did you first see Frank Whitmire in the Cherokee Nation after the war? A It was in '66 after Christmas, about January, I guess, he was up to Bob Daniels' place up there where my brother was living.

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Q How long after Christmas of '66 was it before you saw him?

A A few weeks I guess.

Q Along in January then? A Yes, sir.

Q Where was it you saw him at that time? A That was up at Bob Daniels' place.

Q In the Cherokee Nation? A Yes, sir.

Q Where was the Bob Daniels place? A On Grand River up above where I was living.

Q Did you see him once or more than once at that time? A I just saw him once up there at a gathering at his brother's.

Q How long after that was it before you saw him again? A I never saw him until they had a gathering over there at Goose Neck, and met up there with him again.

Q You say you have never been to his house? A No, sir, never been there.

Q Well, at the time you saw him at the Bob Daniels place, what was he doing at the Bob Daniels place? A He just had come there I suppose to see his brother, or something.

Q Do you know of your own knowledge? A No, sir, I don't know what his business was, I just saw him there I thought.

Q Mr. Davenport: He was just fooling around there, Crap, was he? A Yes he was just there, I don't know how long he stayed there.

Q Had his wife with him? A No, sir, he didn't, I never saw any woman.

Q Have any children? A Not as I know of.

Q You don't know when that was, do you? A It was along in January, just after Christmas.

Q Of what year? A Just after '66.

Q Don't know whether it was January '67 or January '68? A No, it was just about two weeks after Christmas, must have been somewhere along about there.

Q You didn't know this fellow before the war, did you? A Yes, sir I knew him before the war.

Q And you lived two days travel from him? A Well the way I come to find out was following the regiment traveling, going backwards and forwards.

Q Well the regiment, was it going that was before the war?

A Well Waite's was.

Q Before the war broke out? A No, sir, the war had commenced.

Q Don't you know this fellow left the country when the war commenced and didn't come back till after the war was over? A He was down at the Whitmires.

Q Which one of the Whitmires was he with? A Johnson Whitmire.

Q Where were they living? A We camped right close there to the Whitmires, in the Creek.

Q What Creek? A It must have been a river or something, it wasn't far from there.

Q Did it have any name? A I don't know of any name for it, I heard of a many little creeks down there.

Q In fact you don't know much about it anyway, do you? A I just only knew him.

Q How large was he when you saw him there at that time? A A good big sized fellow, big enough to drive a team.

Q Was he grown? A Wasn't quite grown.

Q Was he grown after the war when you saw him? A He was mighty near it, he was a good size boy.

Q And wasn't quite grown after the war? A He was about grown I reckon.

Q You know you saw him? A I saw him, of course he was a good size fellow then, not a child.

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- Q You don't know where he went during the war? A No, sir.
- Q Don't know where he married? A No, sir.
- Q Don't know anything about his family? A No, I never seen them.
- Q Don't know where his family was when you claim to have seen him down there just after Christmas after the war closed? A No, sir, don't know where they were.
- Q Did he come to your house, or whose house? A No, sir, was there there at his brother's, his brother was on the Bob Daniels house.
- Q What was his brother's name? A Mose Whitmire.
- Q Know anything about what family Mose lived nearby? A Nearby George Landrum's family.
- Q And this man, after you say him there, it was several years before you saw him again? A No, sir.
- Q You don't know where he had been living in the mean time? A No, sir, don't know where he had been living.
- Q And you just happened to remember he came along there to his brothers and you say him? A After I come to think of it, he I was here and he was here.
- Mr. Hastings: What year did the Kern-Cliston Commission make a roll?
A I don't know.
- Q What year did Wallace make a roll? A Never kept count of it.
- Q You don't know anything about dates? A No, sir.
- Q Don't know one year from another when it comes to keeping dates?
A No, sir.
- Mr. Smith: You know when you came back here after the war? A Oh yes sir.

Frank Whitmire, recalled, testified as follows:

- Mr. Hastings: Where did you first see Dave French? A At Fort Gibson.
- Q After the war? A Yes, sir.
- Q What time of the year? A About just before Christmas, a little while before Christmas.
- Q Now how long before Christmas? A Just about a day or two before Christmas.
- Q Did you spend your Christmas in Fort Gibson? A Yes, sir.
- Q Was Dave living there at that time? A Yes, sir.
- Q Was he living in a house; was you at his house? A I wasn't at his house, I don't know whether he had or not.
- Q Did you see his wife down there? A No, sir.
- Q Did you see the members of his family? A No, sir.
- Q Did you ever see Dave French before? A I used to see him before, I was raised right by him.
- Q Before the war? A Yes, sir.

Dave French, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Smith: State your name? A Dave French.
- Q How old are you? A 73 years old.
- Q Do you know this applicant, Frank Whitmire? A Yes, sir.
- Q How long have you known him? A Well, knowed him all the time, a long time.
- Q Know him before the war? A Yes, sir.
- Q Was he a slave? A Yes, sir.
- Q Who did he belong to? A Johnson Whitmire.
- Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
- Q Did he live in the Cherokee Nation? A Yes, sir.
- Q Where did he live when the war commenced? A He was living

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down on the Creek, they called it Peavine I believe, in below where we lived about seven or eight miles.

Q Where was this man Frank Whitmire at this time? A He was there.

Q When did you first see Frank Whitmire in the Cherokee Nation after the war? A I saw him Christmas of '68 in Fort Gibson.

Q Know how long he was up there at the time? A No, sir, he might have lived here in Gibson, I can't tell you.

Q Mr. French, do you know whether he was married at that time or not? A No sir, I don't.

Q When did you next see him after you saw him in Fort Gibson? A I don't know exactly how long, I guess I next saw him away up on the River, on Big Creek, I don't know which.

Q Do you know where he lives now? A Yes, sir, on the Big Creek.

Q Have you ever been to his house? A I believe I have, but not very much.

Q You know how long ago it has been since you first saw him on Big Creek? A No, sir, I don't.

Q Was it a long time or a short time? A Well, it has been a good while, every once in a while I saw him, maybe I saw him that year and maybe the next year and maybe the year after that.

Mr. Davenport: You knew him before the war? A Yes, sir, I knew him all the time.

Q And when he came to Fort Gibson you recognized him at once?

A Yes, sir.

Q He have his wife with him there? A He never had his wife, I never saw anybody with him.

Q You were living at Gibson at the time? A I was living at Gibson, I was going backwards and forwards hauling people from Kansas, I had stayed there to Gibson though all the time till peace.

Q Did you have your wife with you? A I did not.

Q Where was she at that time? A I don't exactly recollect.

Q Was she in the Territory or Kansas? A I don't recollect.

Q Don't know where your wife was living? A No sir, I don't recollect now.

Q You were married? A Yes, sir.

Q She had some children? A Yes, sir.

Q You don't know where she was living when you saw him in Christmas in '66? A I don't recollect where I had them at that time.

Q They were in Kansas? A Might have been in Kansas at that time.

Q You don't know where the family was? A No, sir, I don't know as he had a family, I never asked him.

Frank Whitmire, recalled, testified as follows:

Commissioner: You were married in Kansas? A No, sir.

Q In Missouri? A Yes, sir.

Q When did you first bring your family to the Cherokee Nation?

A I can't recollect when I did bring them, it has been so long I can't recollect, I came here and settled - -

Q You came back and married then? A Yes, sir, went back and married.

Q You were not married the first time, you went back and married and stayed there several years.

Q Some of your children were born in Missouri? A No, sir, all born in the Nation.

Q All of these oldest children born in the Nation? A Yes, sir, only Charlie.

Q You must have lived up there five or six years before you married?

A No, I married my wife before the war ended, and then I went back after Charlie was born.

Q Married your wife in Missouri before it ended? A Yes, sir.

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- Q Got any proof of your marriage? A No sir not here.
Q Married in Missouri, was you? A Yes, sir, Springfield, Missouri.
Q Got a license before you married, did you? A No, sir, I just married, a man married me.
Q That wife you married there living here yet? A Yes, sir.
Q She is the mother of these children? A Yes, sir, mother of all of them.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Frank Whitmire on page 151, No. 3729, Cooweescoowee district;

Jesse Whitmire on page 151, No. 3733, Cooweescoowee district;

Ada Whitmire not on said roll;

Ella Whitmire on page 151, No. 3731, Cooweescoowee district;

George Whitmire on page 151, No. 3735, Cooweescoowee district;

Bessie Whitmire on page 151, No. 3734, Cooweescoowee district.

- Q You never drew for Ada? A No, sir.
Q Why? A Just didn't; she was knocked off the roll.

The Wallace roll examined and the applicant, Ella Whitmire, identified thereon, page 149, No. 3116, Cooweescoowee district, as Ellen Whitmire.

Commissioner: Frank Whitmire applies for the enrollment of himself and five children, to-wit, Jesse, Ada, Ella, George and Bessie. His name cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kern-Clifton and the Wallace roll. The names of his children, except Ada, are identified upon the Clifton roll, Ella being also identified upon the Wallace roll. Applicant avers that he was a slave of Johnson Whitmire and went out of the Cherokee Nation during the war, and returned in the year 1866, and married in the State of Missouri and returned to the State of Missouri and married and brought his family to the Cherokee Nation some years later. He makes satisfactory proof as to his residence. Now Frank Whitmire and his five children enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified by mail of the action of the Commission in the premises. It will be necessary for him to file satisfactory proof of the birth of Ada, who cannot be identified upon any of the rolls of the Cherokee Nation.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of July, 1901.



Commissioner.

C.F.-D.#303.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER CLAGGETT, ET AL., as Cherokee Freedmen, introduced on
behalf of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicants;
Mr. Hastings, of Counsel for Cherokee Nation.

JOHN BROWN, being duly sworn by Commissioner Needles,
testified as follows, on behalf of Cherokee Nation.

- Mr. Hastings: What is your name? A John Brown.
- Q What is your post office? A Springer.
- Q Indian Territory? A Yes, sir.
- Q What is your age? A I am 52.
- Q Do you know a colored man by the name of Jane Claggett, who is
the wife of Alexander Claggett? A Yes, sir.
- Q Post office is Nowata? A Yes, sir.
- Q How long have you been living down at Springer in the Chickasaw
Nation? A I have been down there a little bit over two.
- Q Your wife is a Chickasaw? A Yes, sir.
- Q You went from this country here down there? A Yes, sir.
- Q Where did you know, first know Jane Claggett? A Well, the first
time I ever seen Jane was before the war, when she was a slave.
- Q Well, when did you know her after the war? A First knew her
in '68, I met her at Ottawa, Kansas.
- Q What were you doing at Ottawa, Kansas? A I went up there with
old negro Jess to help him draw some money from the government.
- Q Took Jess up there in your wagon? A Yes, sir.
- Q Was he a colored man? A Yes, sir.
- Q Well, did you remain up there a while? A Yes, sir.
- Q About how long? A I don't remember how long we were there, maybe
two or three weeks, maybe a month, we were there quite a little while.
- Q I believe you testified in some other case that you were waiting
for some papers? A Yes, sir.
- Q Well, did you see Jane Claggett on that trip? A Her name was
Reed then, she was sister-in-law to Jess and Jess said I have a sis-
ter-in-law in the town and said Let's go and see her and went down
there and it was Jane.
- Q Did she have a husband? A Yes, sir.
- Q That was in Ottawa, Kansas? A Yes, sir.
- Q Her husband's name was Reed at that time? A Yes, sir.
- Q Did they say anything about ever having been here since the war?
A No, sir.
- Q Have you seen this Jane Claggett since she has been in this coun-
try? A Yes, sir.
- Q What neighborhood did you move from when you went to the Chick-
asaw Nation a couple of years ago? A I went from Pryor's Creek,
it is in the Rider settlement.
- Q How far is that from Chelsea? A About six miles.
- Q How far is it ~~from~~ from Nowata? A It is about 20 miles, I
guess, maybe a little farther.
- Q When did you first see this woman in this country? A I don't
remember, it has been several years.
- Q Well, about how many after you were up in Kansas? I never met
her after for two or three years after I seen her in Kansas.

Q Was her name Fred then? A No, she had married this other man, Claggett, whatever his name was, Tiget or whatever you call it; Claggett or whatever you callit, I don't know whether it is Tiget or Claggett.

Q Well, do you know that this Jane Claggett you saw up about Nowata is the same one you saw in Kansas? A Yes, sir.

Q You say she is a sister-in-law to Jess Brown? A Yes, sir, Jess' wife and her are sisters.

Q And that is what took you down to her place? A Yes, sir, and went there and found her.

Q Were they living in town or on a farm? A Living in town.

Q During your stay there they made no mention of having been down here? A No, sir.

MR. SMITH: That was in what year, Mr. Brown? A In '68.

Q How long was it after that before you saw Jane here,

A I don't know, it was three or four years, maybe longer, it was quite a little bit.

Q And when did you see her after that time in '68? A I don't remember, three or four years.

Q Where? A I met her at Gooseneck.

Q In the Cherokee Nation? A Yes, sir.

Q Did she have any children when you saw her in the Territory?

A If she did, I don't know whether she did or not.

Q What was this's mane name then she was married to, when you saw her down here in the Cherokee Nation? A It was either Tiget, or Claggett, Claggett I believe we always called him.

Q What was his first name? A I don't remember we always called him old man Tiget, or Claggett.

Q Who did this woman that you are talking about before the war, belong to before the war? A Joe Martin.

Q Was he a Cherokee citizen? A Yes, sir.

Q Living in the Cherokee Nation at the time the war commenced?

A Yes, sir.

Q And this woman was at the time the war commenced? A Yes, sir.

Q And all you know about is that you saw her up in Ottawa during '68? A Yes, sir.

Q What was she doing up there, workind? A She was living there in town.

Q She washed, cooked or what? A I don't know, I know she was living there, I don't know how she made her living.

This Testimony will be made part of the record in Freedmen doubtful cases #315, #318, #798; a copy of the testimony will also be filed with the papers in the case of the applicant, Jane Claggett, D.#303.

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

Subscribed and sworn to before me this October 16th, 1901.

J. O. Rosson
Commissioner.

"R"

File with Cherokee Freedman D- 318 John E. Barnes et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF NATION, in the matter
of the application of Alexander Claggett et al for enrollment as
Cherokee Freedmen, D-303.

Appearances:

Mr. Bellette, of Bellette & Smith, attorneys for appl'ts.
Mr. W. M. Hastings, of attorneys for the Cherokee Nation.

HAYWOOD ROWE, being sworn and examined testified as follows:

- W. M. HASTINGS:
- Q What is your name? A Haywood Rowe.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Your name is on the 1860 roll? A Yes sir.
- Q Where do you live? A I live at Talala, Cherokee Nation.
- Q What is your age? A I am between 42 and 43 years old.
- Q You know Alexander Claggett? A Yes sir.
- Q Where does he live now? A On California Creek above Nowata,
Cooweescoowee District, Cherokee Nation.
- Q You know his wife, Jane? A Yes sir.
- Q Where did you first see his wife Jane? A Council Grove, Kansas.
- Q When was that? A That was the year before Lipe paid out that
break money, that he paid out; Major Lipe was Treasurer, I don't
remember the date of the year, but it was the year before.
- Q What were you doing up in Kansas? A I went up there to move
Uncle Jack Musgrove down here.
- Q Did you move him? A Yes sir.
- Q Did you see this man or the woman, which one did you see at that
time; did you see Jane? A Yes sir, I saw Jane.
- Q Was her name Claggett at that time? A No sir, her name was
Jane Martin.
- Q Did she have any children then? A Yes sir.
- Q Do you remember any of them? A Yes sir, she had a boy by the
name of Will.
- Q Why do you remember him now? A Reason I remember Will, she sent
him down here to his uncle Tom's with me, not to bring him
from Council Grove to Coffeyville with me.
- Q How long did you stay up around Council Grove? A I stayed up
there a little over three weeks.
- Q Were these people living up there in the houses? A Yes sir.
- Q Were you at their house? A Yes sir.
- Q Did they talk any with you about this country down here? A Yes
sir, Mrs. Claggett asked me did I know this Brown family and To.
Archer, I told her I did, and she asked me where did they live,
I told her Tom Archer lives in Coffeyville and Uncle George Brown
lived at Coody's Bluff. She said she hadn't seen them since she
left there since the breaking out of the war and she would like aw-
ful well to see them, could I get you to take my boy down to his
uncle Tom's at Coffeyville. That was Will.
- Q And you brought Will along with you? A Yes sir.
- Q Did you ever see Jane Claggett here after that in the Cherokee
Nation? A Yes sir.
- Q How long after that? A They come that following fall; we come
in the spring and she come in the fall.
- Q Now, Haywood, have you got any idea about how long after the war
this was, about how many years? A What?
- Q You have no idea about how many years after the war this was?
A No sir. All I go by it was before that Major Lipe payment.
- Q How long before? A It was a year before the Major Lipe payment,
Major Lipe was Treasurer.

- Q About how old were you at that time? A I was, don't know, I was considered a young man, I was a young man; I was MY own boss, working out for wages.
- Q You are 42 or 3 now are you? A Yes sir.
- Q And you were born in '58 or '59? A Born in '59.
- Q You don't know when Mr. Lipe made that payment? A No sir, not exactly; I don't remember the date of the year.
- Q Can you remember the year? A No I don't know the year; it was either in '81 or '82. It was right after that payment. The payment was made in the summer and me and Uncle Jack and Will got down here in April.
- Q That is the time you brought will down? A Yes sir.
- Q Did she say anything about ever being down here since the war? A She said she never had been down here since the war, she didn't know where her people were living or dead.
- BY MR. BELLETT:
- Q What is your name? A Haywood Rowe.
- Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
- Q Who owned you before the war? A My father belonged to the Rosses, and my mother she didn't really belong to anybody, she was Tom Peg's kinfolks; she had Indian kinfolks.
- Q About what year was it you went into Kansas and saw Jane Claggett? A I went up there before the payment, the year before the payment.
- Q I am not talking about the payment, I want to know what year it was? A I don't know, it was 21 or '2 years ago.
- Q What makes you think it was 21 or '2 years ago? A I have been here 21 years, I was married in July and I come-.
- Q How long did you stay in Council Grove? A Three weeks or a little over.
- Q How far is Council Grove from the Cherokee line? A I don't know, it is 175 or 60 or somewhere along there.
- Q You had never seen this woman, Jane Claggett, before? A No sir.
- Q When did you first think about the fact of your having seen her up there 21 years ago? A Me and her very frequently talk about it.
- Q You have talked about it with her? A Yes sir.
- Q When did you talk about it with her? A Up at the barbecue this summer.
- Q Up where? A At California Creek Barbecue.
- Q What did she say about it? A I asked her had she been back up there since she moved and she said no sir.
- Q You don't know where she was in '65? A No sir.
- Q You don't know whether she was here or not? A She said she was not here.
- Q Why do you remember that? A Well I was talking about the rights of the people here.
- Q You can remember that for several years ago that she told you at that time she hadn't been down here? A Yes sir.
- Q Why did you ask her that question? A She was asking me about her kinfolks; she asked me first did the Indians quit killing the negroes for going down in the Cherokee Nation; I said they kill one once in a while and sometimes a negro kills an Indian; and she says I would like to go down there, I haven't been down there since the war; do you know Tom Alberty and Jess Vann?
- Q What did you tell her? A I told her yes. You know the Rosses? Yes sir; asked me did I know the Vanns? I told her yes; asked me did I know the Browns; I told her yes. Jim Brown that is son of her kinfolks; and she asked me did I know him, he is my half-brother; I says I did; where does he live, I says in Coffeyville, Kansas. He is my half brother.
- Q What else did she say? A She said I want to send my boy along with you and Uncle Jack to see his Uncle; take him down to see his Uncle Thomas and I will be down this fall.

- Q What else did she say? A Talked about first one folks and then another.
- Q Give me some words that she used? A She said people are coming in all the time along by what I told her, I told her yes they come in and out all the time; she asked me who was my folks; I told her; asked me who my folks was and I told her; asked me was her folks all about and living, and I told her; I answered as well as I know how.
- Q What else did she say in that conversation about anything, I don't care whether it was about her citizenship down here; what else? A I don't remember exactly every word.
- Q Why can't you remember any other conversation that took place then? A I remember this much; she asked me did you have good schools down here; and I told her no; she said she would like to be where her children could get to school down here; she asked me did I go to school, I said a little, she said that would be a great draw back; she said I would like to have my children to go to school, but I don't want to lose my right down there; I don't know what all we talked together.
- Q What else did she say? A I don't know what else she said.
- Q Well about everything you talked about, we want to hear it? A That is about all I remember of it.
- Q You are giving what she told you on that occasion? A Yes sir, we talked about it.
- Q You have remembered that 21 years have you? A I remember it all right, we have talked about it along.
- Q You remember one part of that conversation as well as you do another? A That part of it yes sir, because she turned her boy over to me and told me to bring him to his Uncle's.
- Q Where do you live? A Talala.
- Q Where does she live? A Nowata.
- Q How far is that from you? A 12 miles from me.
- Q Are you any relation to her? A No sir, none at all.
- Q Is she here to-day? A No sir, I don't know whether she is or not.
- Q What was her boy's name? A Will.
- Q Will what? A Martin.
- Q Where did you bring him to? A Coffeyville, Kansas.
- Q You left him at Coffeyville? A Left him at Coffeyville.
- Q You don't know where Jane Martin or Jane Claggett was in '01 or '09 or '06? A No sir, I didn't know her then.
- Q Don't know anything about that? A No sir.
- Q What part of Council Grove was she living in at that time? A The streets was running east and west and she lived on the south side of the street with her three children.
- Q She and her three children were living alone? A Yes sir.
- Q How much of a house did they have? A They had a good little box house there.
- Q You don't know how long they had been there? A No sir, she said she had been there quite a while.
- Q You remember she told you at that time she had been there quite a while? A Yes sir.
- Q How do you happen to recollect this conversation 21 years ago? A That's no trouble to recollect some things; I recollect things longer than that.
- Q How can you remember she told you she lived at that house quite a while? A I can remember that until I died.
- Q What? A I can remember that always, because it is not very strange; whenever two Indian darkies meet way off in the states they talk about parties.
- Q You think it is not strange that you remember 21 years ago just the conversation that took place? A No sir, because it was like seeing some of my folks from the Nation.
- Q Did you ever have any trouble with Jane Claggett? A Never did.
- Q With Alexander Claggett? A Never did in my life; we are good friends.

-4-

Q Tell me your name again, I don't remember it? A Haywood Rowe.

MR. W. F. HASTINGS, being sworn, makes the following statement:

I desire to make the statement that the payment that was referred to by the witness in his testimony was made in 1880, or from the 1880 roll.

BY MR. HASTINGS: I want that testimony filed in D 515, D 518 and D 798.

W. 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.

W. D. Green

Subscribed and sworn to before me this February 4, 1902.



Commissioner.

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

Emmett

In the matter of the application of Jane Claxett et al.,
for enrollment as Cherokee freedmen, consolidating the applications
of:

Jane Claxett et al	Cherokee Freedmen D 303 ✓
William Martin	Cherokee Freedmen D 315
Clara Barnes et al	Cherokee Freedmen D 318 ✓
Mamie Irven et al	Cherokee Freedmen D 798 ✓

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jane Claxett for herself and her minor daughter, Rose S. Claxett, and her husband, Alexander Claxett; by William Martin for himself; by John E. Barnes for himself, his wife, Clara, and their minor children, Jane and William Barnes; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Precillar Barnes; and by Samuel Irven for himself, his wife, Mamie, and their minor children, Richard and Minerva Irven. Alexander Claxett, John E. Barnes and Samuel Irven possess only those rights they acquired by virtue of their marriage to their respective wives, herein, and their applications are not passed upon at this time, nor are they embraced in this decision.


The evidence shows that Jane Claxett and her son, William Martin, were the slaves of a Cherokee citizen at the commencement of the rebellion, and were taken out of the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitnair, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation; that all the other applicants herein are the descendants of Jane Claxett and were born since 1866.

It further appears that the said Jane Claxett is identified, by the name of Jane Martin, on the Cherokee census roll of 1867, made under the provisions of article two ve, section one, of the treaty of 1866.


The evidence further shows that the said Jane Claxett, William Martin, Clara Barnes and Mamie Irven have resided in the Cherokee Nation continuously for more than twenty years immediately preceding the date of their applications herein. It is considered that the minor children above named, have resided all their lives with their parents, through whom they claim.

It is, therefore, the opinion of this Commission that Jane Claggett, Hesse E. Claggett, William Martin, Clara Barnes, Jane Barnes, William Barnes, Precillar Barnes, Mamie Irvan, Richard Irvan and Minerva Irvan, should be enrolled as Cherokee Freedmen 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.

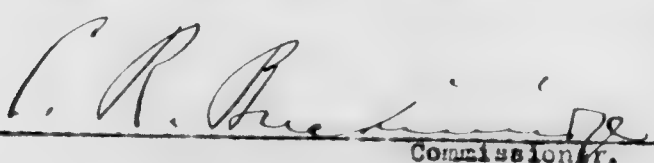
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner.



Commissioner.

uskogee, Indian Territory,

this ~~JUL 23 1904~~









Blank 731.

CHEROKEE FREEDMEN ROLL.

No.	Name	Age	Sex	Blood	Cir. No.
3840	Barnes, Jane	5	F		1410

Blank 734.

DEPARTMENT OF THE INTERIOR
United States Indian Service
Five Civilized Tribes

Muskogee, Oklahoma,

This is to certify that I am the officer having the 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 lands of said tribes, and that the following papers attached hereto are true and correct copies of the enrollment record on file in this office in connection with the application of _____

Jane Barnes

Roll No. 3840, for enrollment as a freedman citizen
of the Cherokee Nation, so far as same relates to the age of said citizen.
Census Card No. 1410: "D" Card No. 318: Memoranda: Testimony
dated May 16, 1901. A copy of the approved Roll No. 3840.

S. E. WALLEN, Superintendent.

BY [Signature] CLERK
IN CHARGE Cherokee

DATE Feb., 6, 1925.

JWC

(C O P Y)

Refer in reply
to the following:
Land

57608-1904.

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

September 22, 1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Jane Claggett for herself and her minor daughter, Rose E. Claggett; by William Martin for himself; by John E. Barnes for his wife, Clara, and their minor children, Jane, William and Precilla Barnes; and by Samuel Irven for his wife, Mamie, and their minor children, Richard and Minerva Irven.

July 23, 1904, the Commission decided favorably to the applicants.

The evidence shows that Jane Claggett and her son, William Martin were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and returned thereto prior to February 11, 1867; that all of the other applicants are the descendants of Jane Claggett and were born since 1866.

It is further shown that Jane Claggett is identified by the name of Jane Martin on the Cherokee census roll of 1867. She is also identified on the Kern-Clifton and Wallace rolls. None of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W. C. F.
J. P.
FHE
L. R. S.

D. C. 40761-1904
I. T. D. 7680-1904.

WASHINGTON. October 20, 1904.

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

Gentlemen:

On August 19, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Jane Claggett, et al (F. D.-303-315-318-398), including your decision of July 23, 1904, granting the applications for the enrollment of Jane and Rose E. Claggett, William Martin, Clara, Jane, William and Precillar Barnes and Mamie, Richard and Minerva Irvén.

The Original application included the names of Alexander Claggett, Jane E. Barnes and Samuel Irvén, who claim rights as intermarried Cherokee freedmen. Their status as such was not passed upon by you, and their names are therefore not included in this decision.

Reporting September 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING

C F 1410

Muskogee, Indian Territory, December 8, 1904.

Clara Barnes,

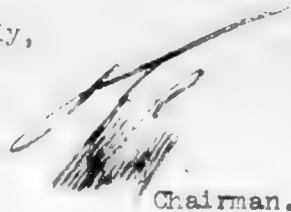
Ruby, I. T.

Dear Madam:

You are hereby advised that the name of yourself and
minor children, Jane, William, and Precillar Barnes,
appear upon a partial roll of Cherokee
freedmen approved by the Secretary of the Interior on November
16, 1904 .

You are further advised that you will be permitted
to appear before the Cherokee Land Office at Tahlequah, Indian
Territory, and select allotments for those whom you are entitled
to represent when your ticket of admission is reached in the
regular order.

Respectfully,



Chairman.



DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

of
Affidavits in
Cherokee Freedmen
Cases.

SEP 12 1917

Mr. Gabe B. Parker,

Superintendent of Five Civilized Tribes,

From the Acting Superintendent for the
Five Tribes, requesting certified copies of birth
records filed in connection with the application for
release of Jane, William, and Priscilla Barnes,
et al. of the Five Tribes.

It appears from the Acting Superintendent's
report that the birth affidavits and other papers in said
cases were filed with the Cherokee Freedmen Case
files. The Acting Superintendent says that

the records and papers
in said cases appeared to have been misplaced and could
not be found in the office files, and, therefore, that
the office was unable to furnish the copies of the papers
requested.

In view, however, of the Acting Superintendent's
report of August 21, 1917, a further and more thorough
search of the files of the

[Handwritten signature]
Special Agent in Charge

REPORT REFERRED TO THE FOLLOWING:
Land-Five Tribes.
10-000-1914

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

affidavits in certain
Sherokee Freedmen cases.

OCT 16 1917

6064

Mr. Gabe B. Parker,
Supt. Five Civilized Tribes.

My dear Mr. Parker:

Referring further to letter of August
21, 1917 from the Acting Superintendent for the

you are advised that diligent search in this
office and in the Department has not resulted in
locating the desired file.

Very truly yours,

E. B. Munn
Assistant Commissioner

10-200-3

Land Division
Claims
32730-29
A F R

RECEIVED
OCT 14 1939
Supt. Five Civ. Tribes

Etchen Brothers,
108 E. Eighth Street,
Coffeyville, Kansas.

OCT 11 1939

My dear Sirs:

Attention: Mr. G. A. Etchen

This will refer to your letter of May 18, concerning your desire to obtain a copy of an affidavit showing the date of birth of Jane Barnes, who was enrolled as a Cherokee Freedman, opposite Roll No. 2820.

Efforts have been ^{made} on numerous occasions dating from 1914 to the present time to locate in our files the affidavit referred to. These efforts have proven unsuccessful, and although considerable time was spent examining our files since the receipt of your letter of May 18, we have been unable to locate the papers relating to the case of Jane Claggett, et al, with which the affidavit you desire was consolidated a number of years ago.

Sincerely yours,

J. M. STEWART

J. M. STEWART,
Director of Lands.

cc Five Civilized Tribes Agency

10 cc 10

John E. Barnes
Wagoner
Ct.

Wants office to procure
date of birth of his dau.

Jane Barnes, Chas. Fr. Roll
No. 3840 - and write him
as to same.

The Orig. record was sent
Sept. 14 as per letter in Ennis,
jackets.

RD.

Cher Fr 1411

Trans. from Cher Fr D798

Cher Fr 1411

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I. T., JUNE 21st, 1901.

In the matter of the application of Sam Irven for the enrollment of himself, wife and two children as Cherokee Freedmen said Irven being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs Mellette & Smith, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

- Q What is your name? A Sam Irven.
Q How old are you? A Elliott.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Intermarried.
Q Who do you want to enroll besides yourself? A My wife and a couple of children?
Q What is your wife's name? A Mamie Claggett.
Q That was her name before you married her? A Yes, sir.
Q How old is she? A 25.
Q What is your childrens' names? A Richard and Minerva, seven and four.
Q You are what is known as a state man? A Yes, sir.
Q What is your wife's father's name? A Alexander Claggett.
Q Is he living? A Yes, sir.
Q What is her mother's name? A Jane Claggett.
Q Is she living? A Yes, sir.
BY MR. MELLETTE:
Q How old is your wife? A 25.
Q How long have you been married to her? A About five years, going on six.
Q Have you a certificate of marriage? A Yes, sir.

Com'r Needles: Applicant present a duly authenticated marriage license issued by Joseph M. LaHay, Clerk of Cooweescoowee District, on the 12th day of December, 1895, under the seal of his office; said license being recorded as provided by law.

BY COM'R NEEDLES:

- Q What was your wife's name when you married her? A Claggett; Martin, of course she was named after the old lady.
Q The license were issued to marry Mamie Wilson and you were married to Miss Mammie Martin? A I made a mistake in gattin giving in.
Q The certificate shows you were married to Mamie Martin? A That was her name.
Q You said her name was Mamie Claggett? A She had a Step-father named Alexander Claggett.
Q Well, her proper name was Martin was it? A Yes, sir, I give the name in wrong.
Q The license you present authorizes you to marry Mamie Wilason?
A That is wrong.
Q Is Mamie Martin and Mamie Wilson the identical person?
A Yes, sir.
BY MR. MELLETTE:
Q Is your wife on the Kern-Clifton roll? A Yes, sir and Wallace roll.

Sam Irven, et al.--2.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined name of applicant's wife not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicants wife found thereon, page 102, #2543, Mamie Ervin, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife found thereon, page 127, #2677/ Mamie Martin, Cooweescoowee District.

BY COM'R NEEDLES:

- Q Is Mamie your first wife? A Yes, sir.
Q You were never married before? (No response.)
Q Are you her first husband? A Yes, sir.
Q She was never married before? A No, sir.
Q Have you been living together continuously? A Yes, sir.
Q Are these two children living at this time? A Yes, sir.

CHARLES CLAGGETT being sworn and examined by Commissioner T. B. Needles, testified as follows; EXAMINATION BY MR. MELLETTE

- Q What is your name? A Charles Claggett.
Q Where do you live? A Live in Cooweescoowee District.
Q What is your age? A 35.
Q Do you know Mamie Irven? A Yes, sir.
Q Formerly Mamie Martin? A Yes, sir, or Wilson.
Q Did she ever go by the name of Wilson? A Well not since she married my father.
Q Not since who married your father? A Not since my stepmother married my father, that was her fathers.
Q Mamie's father was named Wilson? A Yes, sir.
Q Is this Mamie Irven the daughter of Jane Claggett? A Yes, sir, as far as I know she is.
Q Reputed to be? A No, sir.

BY COM'R NEEDLES:

- Q How did she ever happen to be called Martin? A Her her mother's former owners name.

BY MR. MELLETTE:

- Q Her mother went by the name of Martin before she married your father? A Yes, sir.
Q Has she lived in the Cherokee all her life, this Mamie?
A Ever since I knew her.
Q How long ago has that been? A Oh, she was a little bit of a girl, she could not have been over four or five years old.

COM'R NEEDLES: Samuel Irven applies for the enrollment of himself as an Intermarried citizens and for the enrollment of his wife, Mamie, and two children as Cherokee Freedmen. He presents satisfactory proof of his marriage to one Jane Claggett according to the laws of the Cherokee Nation, said marriage having been solemnized on the 15th day of December, 1895; the license issued to him by the Cherokee authorities and recites that he is authorized to marry one Mamie Wilson. The certificate of marriage certifies that he was married to one Mamie Martin. The difference of names is fully explained in the testimony. He makes satisfactory proof as to his residence. The name of Mamie Claggett, his wife, cannot be found upon the authenticated roll of 1880 or census roll of 1896, but she is duly

Sam Irven, et al.--3.

identified upon the Kern-Clifton roll and Wallace roll, according to the page and number of the rolls as indicated in the testimony. He avers that he has two children, Richard and Minerva, whose names do not appear upon said rolls. It will be necessary for him to make satisfactory proof of their birth. Reference is made to the testimony taken in the matter of the enrollment of Alexander Claggett for the enrollment of himself and his wife, who are listed for enrollment on doubtful card #303, and a copy of the testimony taken in said case will be made a part of the record in the case at bar and said copy filed herewith. The said Samuel Irven will now be listed for enrollment as a Cherokee Citizen by intermarriage upon a doubtful card. His wife, Mamie and two children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified by mail of the action of the Commission in the matter of their application when the same is consummated.

---ooo000ooo---

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

(Signed) J. O. Rosson

Subscribed and sworn to before me this 8th day of July, 1901.

(Signed) C. R. Breckinridge

Commissioner.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 21 day of November, 1904.

W. H. Campbell
Notary Public.

B

50798

1911

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 21 1901

Date

Post Office

District

Elliott St.

Geo

1. Name

Samuel Irwin

Age *27*

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Robert Irwin

Citizenship

Mother

Citizenship

2. Name of wife

Minnie Irwin

Age *25*

Owner's name

Citizenship

Year

K.C.

Page

102

No.

2349

District

Geo

Parents:

Father

Alex. Chaggett Irwin

Citizenship

Mother

Jane Irwin

Citizenship

Names of Children:

3.

Richard Irwin

Year

Page

No.

Dist.

4.

Minnie

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

Year

Page

No.

Dist.

8.

Year

Page

No.

Dist.

9.

Year

Page

No.

Dist.

10.

Robert Irwin

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

No 1

Stenographer

J. C. Bosson

*2 On N.C. roll as Minnie Irwin
2 " Waller, Page 127 #2677 - Minnie Martin
3 and 4, Birth affidavits to be supplied.*

Represented by Mellott and Smith.

To be filed with case of Sam Irven, C. F. D.#798.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I T., MAY 15th, 1901.

In the matter of the application of Jane Claggett for the enrollment of herself and one child as Cherokee Freedmen; said Claggett being sworn and examined by Commissioner T. B. Needles, testified as follows: Also applies for her husband by Intermarriage

- Q What is your name? A Jane Claggett.
Q What is your age? A I expect I am near 60.
Q What is your post office? A Cooweescoowee.
Q That is your district, what post office? A Nowata.
Q You apply to be enrolled as a Cherokee freedman do you?
A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation?
A No, sir.
Q Never drew any money from any other tribe or Nation? A No, sir.
Q Who do you want to ~~enroll~~ enroll? A I have one under age.
Q What is its name? A Rosa Eva Claggett.
Q She is 16 years old? A Yes, sir.
Q Is your name on the roll of 1880? A It ought to be, but I can't tell you whether it is or not.

By Mr. Smith: of the firm of Mellette & Smith, Attorneys for Applicants:

- Q Mrs. Claggett, who was your father? A My father was named Ben Vann, but he died before I knew anything about him.
Q Your mother? A Mary Taylor, she belonged to a man, I belonged to Martin.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Joe Martin.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where were you living when the war between the North and South broke out? A On Cabin Creek, here in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at any time during the war?
A I went out in '62.
Q And where did you go to? A Went to Fort Scott, that is where we was taken by the soldiers.
Q Did you return to the Cherokee Nation? A Yes, sir.
Q When? A Yes, sir, I returned in the year of '66, just two weeks before Christmas.
Q Where did you come to when you came back, A I came around on Grand river, down east of where the old home place was, east of Cabin Creek, the old home place.
Q Where have you lived since that time? A All about here in the Nation; I had a little boy tracking around and I just worked around here until I married.
Q Whom did you marry? A I married Alexander Claggett.
Q Where are you living now? A I am living in Cooweescoowee.
Q ~~distri ct~~ district in three miles of Nowata, north of Nowata.
Q How long have you lived there? A I have lived there all years if I ain't mistaken.
Q Were you on the Kern)Clifton roll? A Yes, sir, and the Wallace roll.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 101, #2538, Jane Claggett, Cooweescoowee district.

The name of applicant's child not found on the Kern-Clifton roll.

- Q Did your child ever go by any other name besides Rosa Eva?
A No, sir.
Q What is its name Martin of Claggett? A She might be Martin on there.

Q Are you sure you drew money for this girl? A No, sir; I didn't draw money for her.

The Wallace roll of freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, #2675, as Jane Martin, Cooweescoowee district.

Q Did you draw money from the Wallace payment? A Yes, sir.
Q Did you draw money from the payment that followed the Kern-Clifton roll? A Yes, sir.

By L. B. Bell, Cherokee Representative:

Q When did you return to the Cherokee Nation? A I returned in '66, just two weeks before Christmas.

Q Who come with you? A I come along with some Creek folks that was coming back and I got in with them and come as far down as Cabin Creek.

Q Who were they? A I don't know who they were.

Q Never did know their names? A No, sir, I got in with them, I had t his child and my step-father didn't like me for that.

Q Where did you start from? A Mapleton, Kansas, on the Osage river.

Q Were these Creek people Freedmen or Indians? A Colored folks, went back to the Creek Nation.

Q You never had seen t hem before? A No, sir; you see me and my stepfather kinda fell out on account of that child I had, and I went to them and asked them if they were coming back and I come with them.

Q You can't recollect who they were? A No, sir.

CYNTHIA LYNCH, being sworn and examined, testified as follows: By Mr. Smith:

Q State your name? A Cynthia Lynch is my name now.

Q How old are you? A 51.

Q Where do you live? A I live in Vinita now.

Q How long have you lived in Vinita? A About five years next September since I moved to town; I lived on the river on the farm ever since, well all the tim before I moved to Vinit .

Q Do you know this applicant who has just left the stand, Jane Claggett? A Yes, sir.

Q How long have you known her? A The first I remember seeing her was sometime in December, '66. she is the only one I ever knew by that name, and she claims to be the same woman.

Q Where did you see her? A Over there at Doctor Thompson's place on Grand river.

Q Did you know her before the war? A No, sir, I was too small.

Q Have you known her from the time you saw her there from t ime to time since that or no? A I don't remember seeing her since that time up to the Wallace roll.

Q That was along in December, 1866; you saw her? A Yes, sir.

By L. P. Bell:

Q How old was she at the time you saw her in 1866 ?

A I ain't able to tell you.

Q Did she look like a young girl, woman or what? A She looked more like a girl than a woman.

Q Who was with her? A I remember her the same woman I see now, claims to be.

Q You didn't see her any more? A Until the Wallace Court.

Q 1885? A I didn't keep any record of it, I don't remember, Mr. Bell, in what year that Wallace Court was.

Q That was in 1889; you knew her when you met her at the Wallace Court? A Not until she told me who she was.

Q When were you and Al Lynch married? A We were married in the fall of '67.

Q Well what was you doing up at doctor Thompson's place?

A Well that Spring, I was then t here in that spring, in March, the 4th of March, I begin the reach school there.

NELLIE FRYE, being sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:

- Q State your name? A Nellie Frye.
Q Where d you live? A I live on Grand river.
Q How long have you lived there? A Oh, I have lived on Grand river ever since '66.
Q Do you know the applicant, who has just left the stand here, Jane Claggett? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Do you know whether she was a slave or not? A Yes, sir, she was a slave.
Q To whom did she belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Do you know of your own personal knowledge whether she went out of the Cherokee Nation during the war or not? A Yes, sir, she went when we did, in '62.
Q Do you know whether she came back or not? A Yes, sir, she was to our house in '66 in the winter, just before Christmas.
Q Where was your house? A Across the river, at Doctor Thompson's place.
Q Do you know where she has been living since that time?
A No, sir.
By L. B. Bell: How did she get to your house?
A Come there walkint.
Q Come there foot? A Yes, sir.
Q How did she find the way there? A He said they told her at Kells' place.
Q Where is Kells' place? A Close to Cabin creek.
Q Lewis Kell was living there? A I don't know who was living there; I don't know whether Kell was living there or Mr. Moore.
Q How long did she stay there? A She come two weeks before Christmas and stayed there two weeks with her child, we could not feed her times was so hard.
Q You had to turn her adrift? A Yes, sir; we had to turn lots of them adrift, we had to live on hickory nuts and without bread to eat and all that, and we could not take in just anybody; we had a hard time; you need not tell me, Mr. Bell, that polk greens is poison, we had to live and eat them many times, I have cracked a pan of hickory nuts and eat them for dinner.
Q Who was this Jane's mother? A Old Aunt Mary.
Q ~~He didn't belong to Joe~~ What was her father's name?
A Ben Vann, but I didn't know him.
Q He didn't belong to Joe Martin? A No, sir.

JANE CLAGGETT, being the applicant, re-called, testified as follows: By Mr. Smith:

- Q Jane, what was your name before you married Claggett?
A Jane Martin.
Q Did you have a certificate of marriage to Claggett? A Yes, sir.
Q Have you got that certificate with you? (Hands paper to COM'R.)
Q You have your certificate with you? A Yes, sir.

Com'r Needles: Applicant presents a marriage license and certificate of marriage duly authenticated and issued by the Cherokee nation, certifying that she was married according to the laws of the Cherokee nation to one Alexander Clagget; a citizen of the United States, on the 15th day of September, 1881, and she applies for the enrollment of her husband, Alexander Clagget, as an intermarried citizen.

By L. B. Bell, Cherokee Representative:

- Q What was your mother's name? A Mary Martin, she belonged to uncle Joe.

By Commissioner Needles: How old is your husband?

- A My husband is 70.
Q Is he living? A Yes, sir.

- Q Was he lived with you continuously since he married you?
A Yes, sir.
Q Living with you now? A Yes, sir.
Q He is a colored man? A Yes, sir.
Q What is his post office? A Nowata.

Com'r Needles; Jane Claggett applies for the enrollment of herself and one child as Cherokee freedmen and for the enrollment of her husband, Alexander Claggett, as a Cherokee Freedman by Intermarriage: Her name is not found upon the authenticated roll of 1880, but it is found upon the Kern-Clifton roll and the Wallace roll. She applies also for the enrollment of her child, Rosa Eva, 16 years of age, and her name cannot be found upon any of the rolls. She presents satisfactory proof of marriage according to the laws of the Cherokee Nation to her husband, Alexander Claggett. She makes satisfactory proof as to residence, consequently Jane Claggett and her child, Rosa E., will be listed for enrollment as Cherokee Freedmen upon a doubtful card to await the further consideration of the Commission.

Her husband will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card for the further consideration of the Commission. In order to complete the enrollment of her child, Rosa Eva, it will be necessary for her to file satisfactory proof of its birth, its name not appearing upon any of the rolls.

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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.

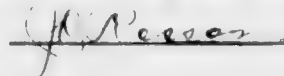
(Signed) J. O. Rosson.

Subscribed and sworn to before me this 16th day of May, 1901.

(Signed) C. F. Breckinridge,
Commissioner.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the foregoing copy and that same is a true and complete copy of the original transcript in said case.



Subscribed and sworn to before me this August 24th, 1901.



Commissioner.

Supl.C.F.-D.#303.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER CLAGGETT, ET AL., as Cherokee Freedmen, introduced on
behalf of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicants;
Mr. Hastings, of Counsel for Cherokee Nation.

JOHN BROWN, being duly sworn by Commiss oner Needles,
testified as follows, on behalf of Cherokee Nation.

- Mr. Hastings: What is your name? A John Brown.
- Q What is your post office? A Springer.
- Q Indian Territory? A Yes, sir.
- Q What is your age? A I am 52.
- Q Do you know a colored man by the name of Jane Claggett, who is
the wife of Alexander Claggett? A Yes, sir.
- Q Post office is Nowata? A Yes, sir.
- Q How long have you been living down at Springer in the Chickasaw
Nation? A I have been down there a little bit over two.
- Q Your wife is a Chickasaw? A Yes, sir.
- Q You went from this country here down there? A Yes, sir.
- Q Where did you know, first know Jane Claggett? A Well, the first
time I ever seen Jane was before the war, when she was a slave.
- Q Well, when did you know her after the war? A First knew her
in '68, I met her at Ottawa, Kansas.
- Q What were you doing at Ottawa, Kansas? A I went up there with
old negro Jess to help him draw some money from the government.
- Q Took Jess up there in your wagon? A Yes, sir.
- Q Was he a colored man? A Yes, sir.
- Q Well, did you remain up there a while? A Yes, sir.
- Q About how long? A I don't remember how long we were there, maybe
two or three weeks, maybe a month, we were there quite a little while.
- Q I believe you testified in some other case that you were waiting
for some papers? A Yes, sir.
- Q Well, did you see Jane Claggett on that trip? A Her name was
Reed then, she was sister-in-law to Jess and Jess said I have a sis-
ter-in-law in the town and said Let's go and see her and went down
there and it was Jane.
- Q Did she have a husband? A Yes, sir.
- Q That was in Ottawa, Kansas? A Yes, sir.
- Q Her husband's name was Reed at that time? A Yes, sir.
- Q Did they say anything about ever having been here since the war?
A No, sir.
- Q Have you seen this Jane Claggett since she has been in this coun-
try? A Yes, sir.
- Q What neighborhood did you move from when you went to the Chick-
asaw Nation a couple of years ago? A I went from Pryor's Creek,
it is in the Rider settlement.
- Q How far is that from Chelsea? A About six miles.
- Q How far is it ~~xxx~~ from Nowata? A It is about 20 miles, I
guess, maybe a little farther.
- Q When did you first see this woman in this country? A I don't
remember, it has been several years.
- Q Well, about how many after you were up in Kansas? I never met
her after for two or three years after I seen her in Kansas.

Q Was her name Fred then? A No, she had married this other man, Claggett, whatever his name was, Tiget or whater you call it; Clagget or whatever you callit, I can't know whether it is Tiget or Claggett.

Q Well, do you know that this Jane Claggett you saw up about Nowata is the sameyone you saw in Kansas? A Yes, sir.

Q You say she is a sister-in-law to Jess Brown? A Yes, sir, Jess' wife and her are sisters.

Q And that is what took you down to her place? A Yes, sir, and went there and found her.

Q Were they living in town or on a farm? A Living in town.

Q During your stay there they made no mention of having been down here? A No, sir.

MR. SMITH: That was in what year, Mr. Brown? A In '68.

Q How long was it after that before you saw Jane here,

A I don't know, it was three or four years, maybe longer, it was quite a little bit.

Q And when did you see her after that time in '68? A I don't remember, three or four years.

Q Where? A I met her at Gooseneck.

Q In the Cherokee Nation? A Yes, sir.

Q Did she have any children when you saw her in the Territory?

A If she did, I don't know whether she did or not.

Q What was this's mane name then she was married to, when you saw her down here in the Cherokee Nation? A It was either Tiget, or Claggett, Claggett I believe we always called him.

Q What was his first name? A I don't remember we always called him old man Tiget, or Claggett.

Q Who did this woman that you are talking about before the war, belong to before the war? A Joe Martin.

Q Was he a Cherokee citizen? A Yes, sir.

Q Living in the Cherokee Nation at the time the war commenced?

A Yes, sir.

Q And this woman was at the time the war commenced? A Yes, sir.

Q And all you know about is that you saw her up in Ottawa during '68? A Yes, sir.

Q What was she doing up there, workind? A She was living there in town.

Q She washed, cooked or what? A I don't know, I know she was living there, I don't know how she made her living.

This Testimony will be made part of the record in Freedmen doubtful cases #315, #318, #798; a copy of the testimony will also be filed with the papers in the case of the applicant, Jane Claggett, D.#303.

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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 October 16th, 1901.

[Signature]

Commissioner.

"R"

File with Cherokee Freedman D- 798 Samuel Irven et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF NATION, in the matter
of the application of Alexander Claggett et al for enrollment as
Cherokee Freedmen, D-303.

Appearances:

Mr. Bellette, of Bellette & Smith, attorneys for appl'ts.
Mr. W. W. Hastings, of attorneys for the Cherokee Nation.

HAYWOOD ROWE, being sworn and examined testified as follows:

BY W. W. HASTINGS:

- Q What is your name? A Haywood Rowe
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Your name is on the 1860 roll? A Yes sir.
Q Where do you live? A I live at Talala, Cherokee Nation.
Q What is your age? A I am between 42 and 43 years old.
Q You know Alexander Claggett? A Yes sir.
Q Where does he live now? A On California Creek above Cowata,
Coovescoowee District, Cherokee Nation.
Q You know his wife, Jane? A Yes sir.
Q Where did you first see his wife Jane? A Council Grove, Kansas.
Q When was that? A That was the year before Lipe paid out that
bread money, that he paid out; Major Lipe was Treasurer, I don't
remember the date of the year, but it was the year before.
Q What were you doing up in Kansas? A I went up there to move
Uncle Jack Musgrove down here.
Q Did you move him? A Yes sir.
Q Did you see this man or the woman, which one did you see at that
time; did you see Jane? A Yes sir, I saw Jane.
Q Was her name Claggett at that time? A No sir, her name was
Jane Martin.
Q Did she have any children then? A Yes sir.
Q Do you remember any of them? A Yes sir, she had a boy by the
name of Will.
Q Why do you remember him now? A Reason I remember Will, she sent
him down here to his uncle Tom's with me, got me to bring him
from Council Grove to Coffeyville with me.
Q How long did you stay up around Council Grove? A I stayed up
there a little over three weeks.
Q Were these people living up there in the houses? A Yes sir.
Q Were you at their house? A Yes sir.
Q Did they talk any with you about this country down here? A Yes
sir, Mrs. Claggett asked me did I know this Brown family and Tom
Archer, I told her I did, and she asked me where did they live,
I told her Tom Archer lives in Coffeyville and Uncle George Brown
lived at Cooy's Bluff. She said she hadn't seen them since she
left there since the breaking out of the war and she would like aw-
ful well to see them, could I get you to take my boy down to his
uncle Tom's at Coffeyville. That was Will.
Q And you brought Will along with you? A Yes sir.
Q Did you ever see Jane Claggett here after that in the Cherokee
Nation? A Yes sir.
Q How long after that? A They come that following fall; we come
in the spring and she come in the fall.
Q Now, Haywood, have you got any idea about how long after the war
this was, about how many years? A What?
Q You have no idea about how many years after the war this was?
A No sir. All I go by it was before that Major Lipe payment.
Q How long before? A It was a year before the Major Lipe payment,
Major Lipe was Treasurer.

- Q About how old were you at that time? A I was, don't know, I was considered a young man, I was a young man; I was my own boss, working out for wages.
- Q You are 42 or 3 now are you? A Yes sir.
- Q And you were born in '58 or '59? A Born in '59.
- Q You don't know when Mr. Lipe made that payment? A No sir, not exactly; I don't remember the date of the year.
- Q Can you remember the year? A No I don't know the year; it was either in '81 or '82. It was right after that payment. The payment was made in the summer and he and Uncle Jack and Will got down here in April.
- Q That is the time you brought will down? A Yes sir.
- Q Did she say anything about ever being down here since the war? A She said she never had been down here since the war, she didn't know where her people were living or dead.
- BY MR. BELLETT:
- Q What is your name? A Haywood Rowe.
- Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
- Q Who owned you before the war? A My father belonged to the Rosses, and my mother she didn't really belong to anybody, she was Tom Peg's kinfolks; she had Indian kinfolks.
- Q About what year was it you went into Kansas and saw Jane Claggett? A I went up there before the payment, the year before the payment.
- Q I am not talking about the payment, I want to know what year it was? A I don't know, it was '81 or '82 years ago.
- Q What makes you think it was '81 or '82 years ago? A I have been here 21 years, I was married in July and I come--
- Q How long did you stay in Council Grove? A Three weeks or a little over.
- Q How far is Council Grove from the Cherokee line? A I don't know, it is 175 or 60 or somewhere along there.
- Q You had never seen this woman, Jane Claggett, before? A No sir.
- Q When did you first think about the fact of your havin' seen her up there 21 years ago? A He and her were frequently talk about it.
- Q You have talked about it with her? A Yes sir.
- Q When did you talk about it with her? A Up at the barbecue this summer.
- Q Up where? A At California Creek barbecue.
- Q What did she say about it? A I asked her had she been back up there since she moved and she said no sir.
- Q You don't know where she was in '58? A No sir.
- Q You don't know whether she was here or not? A She said she was not here.
- Q Do you remember that? A Well I was talking about the rights of the people here.
- Q You can remember that for several years ago that she told you at that time she hadn't been down here? A Yes sir.
- Q Why did you ask her that question? A She was asking me about her kin folks; she asked me first did the Indians quit killing the negroes for going down in the Cherokee Nation; I said they kill one once in a while and sometimes a negro kills an Indian; and she says I would like to go down there, I haven't been down there since the war; do you know Tom Alberty and Jess Vann?
- Q What did you tell her? A I told her yes. You know the Rosses? Yes sir; asked me did I know the Vanns? I told her yes; asked me did I know the Browns; I told her yes. Jim Brown that is some of her kinfolks; and she asked me did I know him, he is my half-brother; I says I did; where does he live, I says in Coffeyville, Kansas. He is my half brother.
- Q What else did she say? A She said I want to send my boy along with you and Uncle Jack to see his Uncle; take him down to see his Uncle Thomas and I will be down this fall.

- Q What else did she say? A Talked about first one folks and then another.
- Q Give me some words that she used? A She said people are coming in all the time along by what I told her, I told her yes they come in and out all the time; she asked me who was my folks; I told her; asked me who my folks was and I told her; asked me was her folks all about and living, and I told her; I answered as well as I know how.
- Q What else did she say in that conversation about anything, I don't care whether it was about her citizenship down here; what else? A I don't remember exactly every word.
- Q Why can't you remember any other conversation that took place then? A I remember this much; she asked me did you have good schools down here; and I told her no; she said she would like to be where her children could get to school down here; she asked me did I go to school, I said a little, she said that would be a great draw back; she said I would like to have my children to go to school, but I don't want to lose my right down there; I don't know what all we talked together.
- Q What else did she say? A I don't know what else she said.
- Q Well about everything you talked about, we want to hear it? A That is about all I remember of it.
- Q You are giving what she told you on that occasion? A Yes sir, we talked about it.
- Q You have remembered that 21 years have you? A I remember it all right, we have talked about it along.
- Q You remember one part of that conversation as well as you do another? A That part of it yes sir, because she turned her boy over to me and told me to bring him to his Uncle's.
- Q Where do you live? A Telala.
- Q Where does she live? A Nowata.
- Q How far is that from you? A 12 miles from me.
- Q Are you any relation to her? A No sir, none at all.
- Q Is she here to-day? A No sir, I don't know whether she is or not.
- Q What was her boy's name? A Will.
- Q Will what? A Martin.
- Q Where did you bring him to? A Coffeyville, Kansas.
- Q You left him at Coffeyville? A Left him at Coffeyville.
- Q You don't know where Jane Martin or Jane Claggett was in '68 or '69 or '66? A No sir, I didn't know her then.
- Q Don't know anything about that? A No sir.
- Q What part of Council Grove was she living in at that time? A The streets was running east and west and she lived on the south side of the street with her three children.
- Q She and her three children were living alone? A Yes sir.
- Q How much of a house did they have? A They had a good little box house there.
- Q You don't know how long they had been there? A No sir, she said she had been there quite a while.
- Q You remember she told you at that time she had been there quite a while? A Yes sir.
- Q How do you happen to recollect this conversation 21 years ago? A That's no trouble to recollect some things; I recollect things longer than that.
- Q How can you remember she told you she lived at that house quite a while? A I can remember that until I died.
- Q What? A I can remember that always, because it is not very strange; whenever two Indian darkies meet way off in the states they talk about parties.
- Q You think it is not strange that you remember 21 years ago just the conversation that took place? A No sir, because it was like seeing some of my folks from the Nation.
- Q Did you ever have any trouble with Jane Claggett? A Never did.
- Q With Alexander Claggett? A Never did in my life; we are good friends.

Q Tell me your name again, I don't remember it? A Haywood Rowe.

R.W.F. HASTINGS, being sworn, makes the following statement:

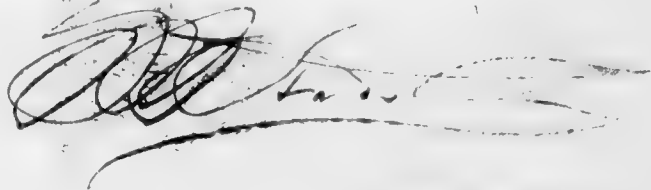
I desire to make the statement that the payment that was referred to by the witness in his testimony was made in 1880, or from the 1880 roll.

BY R. HASTINGS: I want that testimony filed in D 315, D 318 and D 798.

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 4, 1902.



Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERKY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sam Irvin, D 798;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

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

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Nation, I. T.
Cooweescoowee District.

To any person legally authorized to solemnize marriage, Greeting
You are hereby authorized to join in the Holy Bonds of
Matrimony and to celebrate the rites and ceremonies of Marriage be-
tween Mr. Sam Irvin, age 22 years, a citizen of the United States and
Miss Mamie Wilson, age 20 years, a citizen of Cooweescoowee District,
C. N., according to the usual custom and laws of the Cherokee Nation,
and you are required to return this License to me, for record, within
thirty days from the celebration of such Marriage together with a
certificate for the same appended thereto and signed by you.

Given under my hand and seal of office on this
(SEAL) the 12th day of Dec., 1895.

Joe M. LaHay, Clerk of
Cooweescoowee District, C. N.

Fred M- Daniels

Deputy Clerk C. D. C. N.

Recorded on page 83 Record of Marriages Coowee Dis't. Jany. 9"
1896.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. Ter., Aug. 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 in the
matter of application for enrollment of Alexander Claggett et al.,
Cherokee freedmen D 303, etc.


Commissioner.

December the 15th 1895

This is to certify that Mr. Sam Irving age 22 years a
Citizen of the United States and Miss Mama Martin age 20 years a
Citizen of the Cherokee Nation wer by me united in holy matrimony

Witness

Moses Smith

Sarah Webber

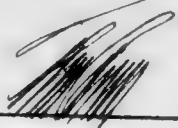
Reverent

Sam Webber

Minister of the gospel

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Ter., Aug. 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 in the
matter of application for enrollment of Alexander Claggett et al.,
Cherokee freedmen D 303, etc.



Commissioner.

(C O P Y)

(8)

C. M. McR.

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

In the matter of the application of Jane Claggett et al,
for enrollment as Cherokee freedmen, consolidating the applications
of:

Jane Claggett et al
William Martin
Clara Barnes et al
Mamie Irven et al

Cherokee Freedmen D 303
Cherokee Freedmen D 315
Cherokee Freedmen D 318
Cherokee Freedmen D 798

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jane Claggett for herself and her minor daughter, Rosa E. Claggett, and her husband, Alexander Claggett; by William Martin for himself; by John E. Barnes for himself, his wife, Clara, and their minor children, Jane and William Barnes; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Precilla Barnes; and by Samuel Irven for himself, his wife, Mamie, and their minor children, Richard and Minerva Irven. Alexander Claggett, John E. Barnes and Samuel Irven possess only those rights they acquired by virtue of their marriage to their respective wives, herein, and their applications are not passed upon at this time, nor are they embraced in this decision.

The evidence shows that Jane Claggett and her son, William Martin, were the slaves of a Cherokee citizen at the commencement of the rebellion, and were taken out of the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation; that all the other applicants herein are the descendants of Jane Claggett and were born since 1866.

It further appears that the said Jane Claggett is identified, by the name of Jane Martin, on the Cherokee census roll of 1867, made under the provisions of article twelve, section one, of the treaty of 1866.

The evidence further shows that the said Jane Claggett, William Martin, Clara Barnes and Mamie Irven have resided in the Cherokee Nation continuously for more than twenty years immediately preceding the date of their applications herein. It is considered that the minor children above named, have resided all their lives with their parents, through whom they claim.

It is, therefore, the opinion of this Commission that Jane Claggett, Rose E. Claggett, William Martin, Clara Barnes, Jane Barnes, William Barnes, Precillar Barnes, Mamie Irvan, Richard Irvan and Minerva Irvan, should be enrolled as Cherokee Freedmen 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. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jul 23 1904.

Cherokee Freedmen

E-303, et al.

Muskogee, Indian Territory, July 23, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidate case of Jane Claggett, et al., granting the applications for the enrollment of Jane Claggett, Rose E. Claggett, William Martin, Clara Barnes, Jane Barnes, William Barnes, Freditor Barnes, Marie Irven, Richard Irven and Kinerva Irven as Cherokee freedmen.

You will be allowed 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 protest 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,

Encl. 6)82.

Commissioner in Charge.

COPY.

Cherokee Freedmen

No. D798.

Muskogee, Indian Territory, September 9, 1904.

Sam Irvan,

Wann, Indian Territory.

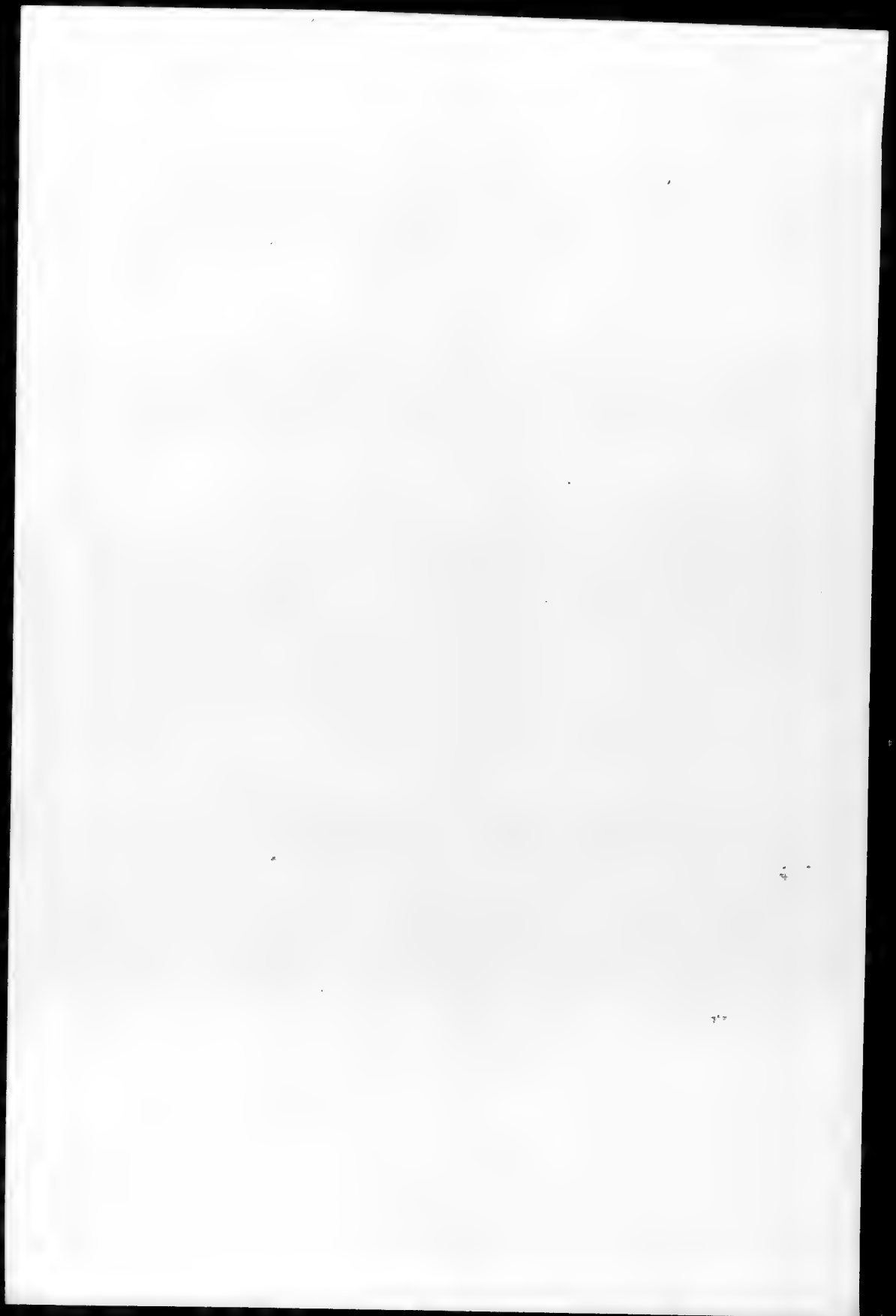
Dear Sir:

The Commission is in receipt of your letter of September 5, inquiring as to your status as a Cherokee freedman, and asking whether or not you will be allowed to file.

In reply you are advised that your citizenship has not yet been determined, and you will not be allowed to apply for an allotment of land in the Cherokee Nation until your citizenship shall have been finally determined by the Secretary of the Interior.

Respectfully,

Chairman.



Cher Fr 1412

Trans. from Cher Fr D968

Cher Fr 1412

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATAAP I.T., JULY 1st, 1901.

In the matter of the application of Charlotte Henry for enrollment as a Cherokee Freedman; said Charlotte Henry being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Mr. Louis T. Brown, for Applicant.

Mr. James B. Davenport, For Cherokee Nation.

- Q What is your name? A Charlotte Henry.
Q How old are you? A About 43a
Q What is your post office address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe besides the Cherokees? A No, sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace roll.
Q What you married? A Yes, sir.
Q What is your husband's name? A Richard Henry.
Q Is he a citizen? A No, sir.
Q What is your father's name? A Mike Whitmire.
Q What is your mother's name? A Rhoda Thornton.
BY MR. BROWN:
Q Where were you born, Mrs. Henry? A Cherokee Nation.
Q Lived here all your life? A Yes, sir.
Q Live here now, A Yes, sir.
Q What do you say your father's name was? A Mike Whitmire.
Q And your mother's name? A Rhoda Thornton.
Q Do you know to whom you belonged to at the beginning of the war?
A Dr. John Thornton.
Q Do you know whether or not you went out of the Cherokee Nation during the war? A No, sir.
Q Have you lived with your mother all your life? A Yes, sir.
BY COM'R NEEDLES:
Q How many times have you been married? A Twice.
Q What was your first husband's name? A Lee Durandeme.
Q Was he a citizen? A No, sir.
Q Where did you marry him? A Married him in Kansas.
Q Is he living? A No, he is dead.
Q Was he dead before you married your present husband?
A Yes, sir.
Q When did you marry your present husband? A In 1882.
Q Where? A In Leadville, Colorado.
Q Married your first husband in Kansas and your second husband in Colorado and you have always lived in the Cherokee Nation?
A Yes, sir.
Q How do you account for that? A I was there cooking about four months, and married him and came home.
Q What that your first husband? A Yes, sir.
Q How about your second husband? A I come home as soon as I married.
Q Have you got any children? A No, sir.
Q Ever had any? A No, sir.
BY MR. DAVENPORT:
Q Now, what year were you in Colorado? A In '82.
Q Now, what year did you come back to the Cherokee Nation?
A I come back in the fall.
Q Who were you working for in Colorado? A Mrs. Peppers.
Q Where? A At Leadville.
Q What was Mrs. Peppers' full name? A Mrs. J. D. Peppers.
Q And you had been in Kansas before that? A Yes, sir.
Q And you lived in Kansas the same time your brother, Freddie, did?
A No, sir.

Charlotte Henry.--2.

- Q You were there with your mother and Freddie? A I was there going to school.
- Q But you have been living along about 18(0 in the Cherokee Nation?
- A No, I came here.
- Q How long have you been living over here at Chelsea the last time? A About nine years.
- Q That is when your mother lived there? A Yes, sir.
- Q How far does your husband live from your mother? A Two miles.
- Q Has he been living there nine years? A No, we rented from mother two year and lived on out place above.
- Q Well, have you and your husband lived in the Cherokee Nation continuously for nine years. A Yes, sir.
- BY COM'R NEEDLES:
- Q How old were you when you went to Colorado?
- A I don't know, about 23.
- Q Were you single when you went out there? A Went with white people I was working for.
- Q And you married out there? A Yes, sir.
- Q And then returned? A Yes, sir.
- Q Where did your first husband die? A He died there.
- Q Colorado? A No, Kansas, my first husband, we came here.
- Q You married your first husband in Kansas? A Yes, sir; I came back and his health wasn't good and went back and he died.
- Q Were you there when he died? A Yes, sir.
- Q What part of Kansas? A Tpeka.
- Q Well, how long after you husband died before you came back to the Cherokee Nation? A I come back right after he die.
- Q When did he die? A '83.
- Q Who went with you to Colorado? A Went by myself.
- Q You were a widow then? A Yes, sir.
- Q Married in Colorado? A Yes, sir.
- Q How long did you live there after you married?
- A I was married in '62 and I came back in the fall.
- Q Been living here ever since? A Yes, sir, my second husband died here.

The 1880 Authenticated and 1896 Census Rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 142, #2972, Charlotte Thornton, residence "Colorado."

BY MR. DAVENPORT:

- Q Isn't it a fact you came from Colorado last week? A Yes, sir; came back last Friday, when last fall after I lost my husband went out to work to pay off my debts.

BY COM'R NEEDLES:

- Q When did you go to Colorado? A Last fall, late in the fall.
- Q You were married then? A No, I had just lost my husband, I went away to work to save my property here.
- Q How long had you been married the last time? A Nine years.
- Q I don't understand that you have been married nine years; it was your Colorado husband that died? A Yes, my Colorado husband that died; he has been dead one year.
- Q After his death you went back to Colorado?
- A Yes, sir.
- Q You had some property out there had you?
- A No, sir, worked out, cooked.
- Q Well, did you have to go all the way to Colorado to work?
- A I went in order to get better wages and pay off my debts.
- Q What wages did you get out there? A I got \$65 a month; cooked at a boarding house.

Charlotte Henry.--3.

BY MR. BROWN:

- Q Where did your husband die? A Chelsea.
Q Prior to his death where were you living? A On Lightning.
Q Is that in the Cherokee Nation? A Yes, sir.
Q Own any farm or property in the Cherokee Nation?
A Yes, sir.

CHARLOTTE HENRY applies for the enrollment of herself. Her name cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll, and she is fully identified upon the Wallace roll according to the page and number of the roll as indicated in the testimony. She avers that she is a child of Rhoda Thornton who is listed for enrollment upon doubtful card #966, and claims her citizenship through her mother and asks that the testimony taken in the matter of the enrollment of her mother be made part of the record in the case at bar, which will be done and copy thereof filed herewith. She avers that she is married to one Lee Durandeme, and since that time she has married Richard Henry. She is identified upon the Wallace roll as Charlotte Thornton, that having been her maiden name. Said Charlotte Henry will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. She will be notified by mail at her post office address of the decision of the Commission.

BY MR. DAVENPORT OF APPLICANT:

- Q Are you working out in Colorado now? A No, sir.
Q Who were you working for? A Mrs. Mansfield, she was a widow.
Q What was her first name? A Carrie Mansfield.
BY COM'R NEEDLES:
Q Keeping a hotel there? A Yes, sir.

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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 17th day of July, 1901.

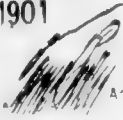


Commissioner.

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

FILED

JUL 1 1901

A handwritten signature in dark ink, appearing to be "H. H. ...", written over the typed name of the Acting Chairman.

ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date July 1st 1861
Post Office Cherokee Co
District 1000

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife *Martha A. [unclear]* Age _____
Owner's name *[unclear]* Citizenship _____
Year *1860* Page *42* No. *2000* District *100*

Parents:
Father *Wm. A. [unclear]* Citizenship _____
Mother *[unclear]* Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				


Application made by _____ Stenographer _____

In witness whereof
[Signature]
[Signature]

45 903

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

FILED
AUG 16 1901



A. T. NO. CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES.
JAMES HIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of July 1st, 1901, in the
matter of the application of Charlotte Henry, for enrollment as
a Cherokee Freedman.

Louis J. Brown
Agent for Applicant.

Cherokee Freedmen #D968.

To be filed with case of Charlotte Henry, C. F.D.#968.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 29, 1901.

In the matter of the application of Rhoda Thornton for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:

Mr. Smith of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A Rhoda Thornton.
Q How old are you? A About 66.
Q What is your post office address? A Chelsea, I. T.
Q You live in Cooweescoowee district? A Yes, sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir/
Q who do you want to enroll besides yourself? A Myself and 2 daughters and my son.
Q Are you daughters of age? A Yes, sir.
Q Your son of age? A Yes, sir.
Q They must appear for themselves; you just apply then for the enrollment of yourself? A Yes, sir.
BY MR. SMITH: Where do you live? A I live about, I guess it is about 18 miles east of here, in Cooweescoowee district, on the head of Pryor's Creek.
Q How long have you lived where you live now? A I have lived between seven and eight years there.
Q You may give the names of your grown children? A Mary Ellen is the oldest.
Q What is her name now? A Mrs. Miller, Mrs. E. J. Miller.
Q How old is she? A She is about 42 I guess.
Q Is she married? A She has been married; she is a widow.
Q Has she any children? A No, sir.
Q Where does she live? A She lives with her sister.
Q Where? A It is about two miles, she is staying on her sister's farm.
Q Where does her sister live? A She lives on her farm.
Q Where is her farm? A About two miles from me, about 27 or 28 miles from here I guess.
Q How far from Nowata? A I guess it must be between 18 and 19 miles from here I guess.
Q In the Cherokee Nation? A Yes, sir.
Q Now give me the names of your next one? A Charlotte, Mrs. R. D. Henry.
Q She is married to a man named R. D. Henry? A Yes, sir.
Q Where does she live? A She lives on her farm.
Q At the place you just spoke of? A Yes, sir, her and her sister lives together.
Q Have you any children? A One boy.
Q What is his name? A Freddie Thornton.
Q How old is he? A About 31 or 2 now.
Q Were you a slave before the war? A Yes, sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where was he living when the war commenced? A In Goingsnake district, on Barron Fork.
Q Where were you living at that time? A I was living with him.
Q Were you taken out of the Nation during the war? A Oh no, sir, I wasn't taken out, yes I was out a little while right time the soldiers and all was there.
Q What children did you have at the time the war commenced?
A I had Mary Ellen and Charlotte and a little boy that died named Lewis; he died; I was the mother of three children time of the war.

- Q Where were the children whose names you have mentioned born, outside of Mary Ellen and Charlotte? A Freddie was born in Kansas just a little after the war.
- Q When did you come back to the Cherokee Nation? A Me?
- Q Yes, after the war, or after you went out with the soldiers?
- A When I went out with the soldiers?
- Q That's what I said. A I went up to Cane Hill, and I cooked there a while for Major Willett.
- Q That is Cane Hill, Arkansas A Yes, sir.
- Q That during the war? A Yes, sir; just after the Priarie Grove battle.
- Q What I want to know is when you came back to the Cherokee Nation after you went out of the Nation during the war and went to Cane Hill and these places you have mentioned? A I went right from Cane Hill on down by Ray's Mill, and went down in a Government wagon, after cooking for Major Willett; I cooked for him about six weeks on Cane Hill and I cooked for him about two weeks at Ray's Mill, then I went in the Government wagons on to Ft. Gibson.
- Q You know what time you went down to Ft. Gibson? A No, sir, the wagons went down before the close of the war.
- Q It was during the war then? A Yes, sir, right during the war I come back.
- Q How long did you stay at Ft. Gibson after you got back there?
- A I stayed there at Ft. Gibson off and on I guess for three or four years.
- Q Where were you when peace was declared? A I was in Ft. Gibson, sr.
- Q How long did you remain in Ft. Gibson after the war closed?
- A I must have remained there after the war closed for a year or so, here in Ft. Gibson and about Ft. Gibson, because I cooked for Colonel Phillips there.
- Q Then where did you go? A I come up on Big Creek.
- Q Was that in the Cherokee Nation? A Yes, sir.
- Q How long did you live on Big Creek? A I stayed there on Big Creek quite a while.
- Q You stayed about how long? A I couldn't tell you just how long, but I must have stayed there off and on for four or five years I guess, off and on.
- Q I don't want to know anything about how long you stayed off and on, but when you went to Big Creek after you left Ft. Gibson how long did you stay at Big Creek? A I stayed at one place there at Nathan Tyner's there I guess a year or more, not there at one place but I made that my stopping place pretty much.
- Q Where were you during the year of 1866? A I was in Ft. Gibson.
- Q I believe you left Ft. Gibson you said? A When I come to uncle Nathan Tyner's, when I come from Ft. Gibson I come to uncle Nathan Tyner's.
- Q Then where did you go? A I went to aunt Sukey Mayes, I was a widow and had to do the best I could, and had my children.
- Q How many children did you have then? A Two children.
- Q How many children did you have then? A Two children.
- Q Where were your other children born? A In Goingsnake district, right at my master's before the war.
- Q How is that? A They was born at old Dr. Thornton's in Goingsnake district.
- Q I saw where were your young ones born? A I didn't have but one younger one, he was born in Kansas.
- Q When was he born? A He was born way last of '67 I think, I don't remember exactly.
- Q Which one is that? A That's Freddie, my boy.
- Q When were you in Kansas? A Me?
- Q In '67 too? A I was there for a short time while my child was born, I was at my mother's.
- Q Was your mother in Kansas at that time? A She was in Kansas, yes, sir.

- Q Well now then since that time after you left Reuben Tyner, - did you say Reuben Tyner? A Nathan Tyner we called him, he goes by Nathan Duffin now.
- Q Since you left Nathan Tyner where did you go? A I lived with then until I rented my farm and when I rented a farm I lived on that.
- Q Have you a farm of your own now? A Yes, sir.
- Q Where at? A About 6 or 7 miles north of Chelsea.
- Q How long have you had it? A I guess about between 6 and 7 years
- BY MR. HASTINGS, Cherokee Rep'ive:
- Q How far from the Arkansas line did you live at the time the war come up? A It must have been about two miles and a half or three miles; you mean when I lived where my master was?
- Q Yes, sir, how far was that from Dutch Mills? A I guess two or three miles.
- Q Did you live west of Dutch Mills? A I can't tell you.
- Q Was it north or south or east, or do you know? A I do not.
- Q That was your trading point? A Yes, sir.
- Q You know the direction you went to town? A I know the direction they went to town, but I don't know-
- Q What direction did they go? A I just know the road they went over the hills.
- Q How old are you now? A I am about 66.
- Q You was about 26 when the war come up? A Yes, sir, I was the mother of three children.
- Q Were they all born on that place? A Yes, sir.
- Q What was Dr. Thornton's wife named? A Frankie.
- Q Did they have any children? A Yes, sir.
- Q What were their names? A They had three, Miss Martha and John and Walter.
- Q At the time you left home? A Yes, sir.
- Q How long did you live with him? A He bought me when I was about 13 years old.
- Q You lived with him and was freed under him? A Yes, sir, I was the last slave that left that place, and wouldn't have left him then but I was took away.
- Q What kind of a house did Dr. Thornton live in? A Long wide house, and porch between it you know.
- Q Double log house? A No I think it was a frame, it was ceiled inside; I am not sure whether it was log outside or not.
- Q Did you get water out of a well or a spring? A Spring.
- Q What direction from your place was Barron Fork? A I don't know.
- Q You don't know whether you were living north or south or Barron Fork? A No, sir, I do not, but he had a saw mill down on Barron Fork.
- Q About what aged man was Dr. Thornton when the war come up?
- A He was quite an old man, he was quite gray; he used to be clerk of the court.
- Q What were some of the neighbors there? A Mr. Wofford and Cornelius Wright.
- Q Did you know Jack Alberty before the war? A Yes, sir, he was my mother's brother, you know there are so many Jacks, but she had a brother Jack, you ought to make some distinction between the Jacks, you know.
- Q He was a grown man at that time? A He was quite a tall man, he wasn't so old, dark eyes and hair, hair about the color of yours.
- Q How far did he live from Mrs. Thornton's at that time? A He must have lived as near as I can guess about 7 or 8 miles.
- Q You saw him frequently? A Yes, sir, he was there on the place often.
- Q You stayed there until the war come up and then you went out to Cane Hill? A Yes, sir, I stayed until the war come up, and we was all to come there, Major Willett sent some scouts down there and took me and I cooked for him.
- Q Where did you live at Ft. Gibson? A I lived in a little shanty.
- Q Who did you live with? A Irvin and Gilbert Vann boarded with

- me, and I washed for the soldiers, and I cooked for Col. Phillips quite a while.
- Q Where did you go from there? A When I left there I don't- I went to Nathan Tyner's on Big Creek.
- Q Did you have a husband at that time? A No, sir.
- Q Did you ever marry the father of Fred? A No, sir.
- Q You never married him? A We just lived together.
- Q Did you live with the father of Fred as your husband? A Yes, sir.
- Q What was his name? A I never did tell his name.
- Q But you lived with him as your husband? A Yes, sir.
- Q How long did you live with him as your husband? A Me?
- Q Yes? A I lived with him I guess until he died.
- Q Well, about how many years? A Well about 6 or 7 years.
- Q Keep house together? A Me?
- Q Yes? A No, sir.
- Q You never kept house with him? A No, sir, I worked for him and that was all; the truth is the truth.
- Q You say Fred was born in Kansas? A Yes sir, because I went up to my mother's.
- Q You lived with Fred's father up there in Kansas? A No, sir.
- Q Where did you live with him at? A What did you say?
- Q Where did you live with his father at? A In the Cherokee Nation on Big Creek? A No, sir, down about Ft. Gibson.
- Q You went up to Uncle Nathan Duffin's from Ft. Gibson? A Yes, sir.
- Q What time in the year was that? A I don't know just what time of the year, it must have been allong, it was kind of cold weather.
- Q What year was it? A I don't know sir exactly what year it was, but when I left Ft. Gibson it must have been along up in '67 or '68 when I left Ft. Gibson you know, because I stayed around Ft. Gibson I cooked there for Col. Phillips quite a while ~~around Ft.~~ and that was along you know in '65.
- Q Have you got a very distinct idea about dates? A No, sir, I haven't.
- Q Your memory is faulty about dates? A Yes, sir, and names I can't remember hardly at all these late days; I am telling you the truth gentlemen as near as I can tell it to you.
- Q What was your mother's name? A Darkus Downing.
- Q Did she live over there with your master before the war?
- A No, sir.
- Q Where did she live? A In Mound City, Kansas; she never come to the Nation at all; the only way I belonged to the Nation I was sold to the Nation.
- Q Who sold you to Dr. Thornton? A Old Dr. Richard Williams.
- Q You went to your mother's and there Fred was born? A Yes, sir, in Linn County, Kansas, because I was a widow and had to go up there.
- Q How long before Fred was born that you went up there?
- A I don't know, it was over a month.
- Q About how old is Freddie now? A Freddie is about 32 I guess, 31 or 2, I really don't know their ages exactly.
- Q What were the members of uncle Nathan Duffin or Tyner's family when you first went up there? A One George Dugffin, they go by the name of Duffin now, and Josh was there.
- Q What was his wife's name at that time? A I think Fanny; they belonged to the same man I did.
- Q Did you know Lesi Wright, or Whitmire, before the war? A Yes, sir I knew him well.
- Q Did you know Rufus Miller before the war? A Yes, sir, because my master was their family doctor. They lived n about two miles of our house.
- Q You brought Freddie back down here when he was a baby? A Yes, sir, he was quite small.
- Q What place did you go to then? A Uncle Nathan Tyner; we call him Tyner, but he changed his name; go by Duffin.
- Q How long did you live there right then when you first came back there? A Please your Honor, Mr. Hastings, I can't tell exactly.

- Q Well, your best judgment? A I must have stayed there 6 or 8 months before I went to work.
- Q Then where did you go to work? A I went up there to Coffeyville and worked a little while, not Coffeyville, I will tell you the place in a minute, -Ft. Scott.
- Q Did you have your children with you? A Me?
- Q Yes? A I took my two girls to my mother's and then I went to Ft. Scott.
- Q And your mother lived at Mound City, Kansas? A Yes, sir, she lived and died there; her and my father both.
- Q Have you ever been married since? A No, sir, I have never been married since the war.
- Q After you worked at Ft. Scott, Kansas, where did you go? A Me?
- Q Yes? A I come back to the Nation.
- Q At what place? A To Aunt Sukey Naves.
- Q On Big Creek? A Yes, sir.
- Q How long did you stay there? A I stayed at aunt Sukey's I guess I but I don't know, I guess, I don't know just how long.
- Q Well, your best judgment? A Well I must have stayed there as much as a month or two; I would stay first at one of them places and another, and when I could get work to do I would do it.
- Q Worked in Kansas? A Yes, and around, I got washing to do there and so on.
- Q Nothing but colored people to work for there? A No, sir, but when I could work for a little piece of meat a did.
- Q When did you ever keep house in the Cherokee Nation? A I have been running a farm for I don't know how long in the Nation.
- Q About how long? A I stayed on the farm down on Big Creek four or five years.
- Q Was that four or five years ago? A Which.
- Q When you commenced living on the farm, about how many years ago when you commenced keeping house and living on a farm? A Well let me think, Mr. Hastings, I suppose this is Mr. Hastings?
- Q Yes, that's who it is? A I rented the Johnson Farm, and I think I lived there four years.
- Q How long since you commenced keeping house for yourself?
- Q I stayed on the Andy Johnson farm for about I guess about three or four years, you know, and I kept house there
- Q When did you commence doing that, how many years ago was it when you commenced doing that? A I see what you are trying to get out, and that's what I am trying to tell you, yes; how many years ago has that been?
- Q Yes? A I was there on that farm quite a while before the Wallace roll, and I made a kind of farm of my own.
- Q Wallace roll was made in 1889, how long before that did you commence keeping house? A I must have been there two or three years before the Wallace roll.
- Q Up to '86 or '7 you hadn't kept house in the Cherokee Nation?
- A Not to say particular, you know, because I was a widow woman and I had to work to get money enough to make a farm and save all my, - and I had to take care of my children.
- Q When did you come back from Denver, Colorado? A When I went to Denver I didn't stay there very long.
- Q You haven't tel that before? A Well you didn't ask me.
- Q I am trying to get that from you now; you did go to denver, Colorado? A Yes, sir, I went do Denver, Colorado.
- Q Now commence and tell us all about, it what what you know of your whereabouts, that's what we are trying to get at? A If I was to undertake to tell you of my whereabouts I couldn't tell you, when I went out there I went to cook for some people.
- Q When did you go? A I don't know exactly what year it was.
- Q About how long after the war? A Well it was quite a while, Freddie was peltny big for me to leave him and I went out there and cooked out there, and stayed out there about 6 or 8 months and cookd

- Q You didn't take your family? A No, sir.
- Q None of your family taken with you? A No, sir.
- Q Where was Freddie in the meantime? A He was with his sisters, his sisters stayed mostly with their father's, down here on Big Creek.
- Q You know Alberty Morris? A Yes, sir, I know Mr. Morris, at least I wouldn't know Mr. Morris if I was to see him on the road.
- Q You know William Noble? A Yes, sir.
- Q Did you ever keep house near them? A I think it was about a mile from Mr. Morris and three or four from Mr. Noble's yard or Mr. Morris' yard, because I would keep house and my daughters went out and worked on the farm.
- Q When did you commence keeping house on the farm? A I can't tell you exactly.

RUFUS MILLER, being sworn by Com'r Needles, testified as follows: By Mr. Smith:

- Q What is your name? A Rufus Miller.
- Q How old are you, Mr. Miller? A I am somewhere betwixt 53 and 54 I expect, I don't know my age just exactly what I am.
- Q Where do you live? A I live at Centralia.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Are you a Cherokee Indian? A Yes, sir.
- Q Do you know this applicant, Rhoda Thornton? A Yes, sir.
- Q How long have you known her? A I have known her ever since I was a child.
- Q You know who she belonged to? A Yes, sir.
- Q Who? A Dr. Thornton.
- Q Was he a Cherokee Indian? A Yes, sir.
- Q Citizen of the Cherokee Nation? A Yes, sir.
- Q Where did he live before the war? A He lived about three miles west of a little town they called Dutch Town, over next to Evansville.
- Q You know where Rhoda Thornton was at the time the war commenced? A Yes, sir.
- Q Where? A At Dr. Thornton's.
- Q Did she have any children at that time? A Yes, sir, she had two.
- Q You know what their names was? A Believe one was named Mary Ellen and I believe the other one was named Lottie or something.
- Q Where were you during the war? A I went south.
- Q What time did you get back? A I got back Christmas, Eva, '65.
- Q Do you know when Rhoda Thornton first went to the Cherokee Nation after the war? A She wasn't out of here at the close of the war she went out after the war.
- Q Where was she when the war closed? A At Ft. Gibson.
- Q Where was she in the year '66? A She was at Ft. Gibson.
- Q You know where she lives now? A No I don't know where she lives now; I did know where she lives, she threw me off of her place here a little bit ago; I lived down here on Pryor's Creek.
- Q Near what town? A Chelsea.
- Q Well since you knew her in '66 at Ft. Gibson have you seen her often? A No, sir, I ain't seen her often; she left there some time in '66 along in the fall, and I don't know where she went; I never saw her then until about 6 or 8 years ago.
- Q Where did you see her then about 6 or 8 years ago? A Down here to Pryor's Creek.
- Q Near what place? A Near Chelsea there, where she is living now, first time I saw her down here at Hayden and the next time I saw her at the other place.
- Q How long have you lived in the neighborhood where you live now? A I have lived there about 6 years I reckon.
- Q How long after '66 did you live down in that part of the Cherokee Nation? A I left Ft. Gibson about '74.

- Q Where did you go to? A I went to Flint district.
- Q Near what place? A Near Evansville.
- Q When did you get up in this part of the country?
- A I come up here in '81.
- Q What place did you come then? A Come to Vinita.
- Q And then some years before that you saw this woman over about Chelsea? A No, when I went from Vinita I went to Grand river, and lived 17 years, and came to this place and the first time I saw Rhoda was that Lightning Creek payment, and the next place I saw her at home.
- Q When you were living on Grand river how far were you from Chelsea?
- A 25 or 30 miles, maybe 35 miles, I don't know just how far it is.
- Q When she was back here in Ft. Gibson in '66 you know where her children was that you have mentioned? A She had them with her I guess, I wasn't down at the house, she said she had them with her.
- BY MR. HASTINGS: Q How far did you live from her before the war? A About a mile and three quarters/
- Q What direction from Thornton? A South.
- Q How old were you when the war come up? A I was 11 or 12 years old.
- Q How old was her oldest child? A Her oldest child was up somewhere about that high (indicating.)
- Q Three or four years old? A Yes, sir, maybe a little older.
- Q How old was the next one? A Next one was tolerable small.
- Q Did she only have the two? A Just had the two.
- Q She has no husband there? A No, sir, her husband went off in the war.
- Q What was his name? A Mike Whitmire.
- Q You was in Ft. Gibson and saw her down there? A Yes, sir.
- Q What was she doing? A When I first saw her she was cooking for Col. Phillips.
- Q You haven't seen her since that time until the Lightning Creek payment; not since the latter part of '66, until the Lightning Creek payment? A No, sir.
- Q Were you ever tried in the courts for anything? A Oh yes.
- Q What for? A They tried me for larceny.
- Q Were you convicted? A Yes, sir.

LUSTER FOREMAN, being sworn by Com'r Needles, testified as follows: BY MR. SMITH:

- Q What is your name? A Luster Foreman.
- Q How old are you? A About 50 or 60 I don't know which.
- Q Do you know this applicant, Rhoda Thornton? A Yes, sir.
- Q How long have you known her? A I got acquainted with her during the war.
- Q Where? A I got acquainted with her first place I saw her at Cane Hill.
- Q Where did you next see her after that? A In Ft. Gibson.
- Q When you saw her at Cane Hill was that before the war or during the war or after the war? A During the war.
- Q When you saw her next after seeing her at Cane Hill was at Ft. Gibson? A Yes, sir, at Ft. Gibson.
- Q When you next saw her at Ft. Gibson was that during the war or after the war was over? A Well when I saw her first she come down from Cane Hill to Ft. Gibson.
- Q When was that now? A That was in during the war.
- Q How long did she stay about Ft. Gibson? A She stayed there to my best judgment until about '67, to my best knowledge.
- Q Where was she during the year '66? A She was there.
- Q Where? A Ft. Gibson.
- Q In the Cherokee Nation? A Yes, sir.
- Q Did you know her before the war? A No, sir.
- Q When she came there before the war was over at the time you speak about did she have any children? A Yes, sir, she had a couple of

little girls.

Q When did you next see her after she left Ft. Gibson at that time? A I didn't see her any more until I come up here in Vinita.

Q Until you left Ft. Gibson? A Yes, sir, until I come up here in Vinita, I met her again.

Q Where did you see her then? A In Vinita.

Q When? A I don't know exactl hwo long that's been, about 10 years ago or 12, 10 years ago I guess.

Q Did you live at Ft. Gibson until that time? A No, sir, I lived there until about '75, and went into Canadian district.

Q You say you left Ft. Gibson in '75? A Yes, sir, as near s I can remember.

Q A d went to live in what part of the Nation? A In Canadian distFict.

Q Then how long ago was it you lived in this section of the country? A I lived up there about 15 years.

Q About how long ago was it before you got up in this part of the coujtry? A I disremember, about 15 years I geckon, as near as I an think of it.

Q When she left Ft. Gibson do you know where she went to? A No, sir.

BY MR. HASTINGS: Who did she live with at Ft. Gibson? A She hired out, working out.

Q How many children did she have when you saw her there after the war? A She had the same two children I found her with, she had two children all along that I know of.

Q About how old was the oldest child when you first saw her? A I don't know, I couldn't tell you.

Q As much as 15 years of age? A No, I don't think she was that old; good sized little girls (indicating.)

Q Your best judgment as to the age of the oldest one? A I could not tell you.

Q Your best judgment as to the age of the oldest one? A I could not tell you.

Q Your best judgment as to the age of the next one? A I couldn't tell you as to that; there was two little girls; one a little bigger than the other one.

Q You can't tell anything about the age at all? A No, sir, I couldn't tell anything about the age of the person, I was about 20 years old and I wasn't no mo e than about that high I reckon (indicating.)

Q How old were they when you saw them at Ft. Gibson, were they grown at that time? A No, just small girls, come down from Cane Hill, and stayed there until about '67; ashe worked in the garrison there for those officers.

Q Where did she go from there? A I don't know; I don't know when she went away.

Q You keep up pretty well with these colored people? A Not much; I always make it a rule to attend to my business.

Q You never met this woman until about 10 years ago, in Vinita? A I didn't see her no more after Gibson until I met here in Vinita.

Q Was she keeping house in Ft. Gibson? A I don't know; she worked out for some Major up there, worked up in the garrison most of the time.

Q What was she doing in Vainit when you saw her there? A North-ing particular, no more than I met her there.

Q She wasn't living there? A Not as I knows of.

Q You don't know where she has lived in the meantime? A No, sir.

Q Don't know whether she has been in Kansas or Colorado or where? A No, sir, I don't know anything about here she has been.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified as follows: BY MR. SMITH:

Q State your name? A Lewis Whitmire.

Q Do you know this applicant, R'oda Thornton? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Well I have lived in here all my life.

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

Q Are you on the 1880 roll? A Yes, sir.

Q How long have you known this applicant? A Yes, sir.

Q How long have you known him? A Ever since we was young folks.

Q Did you know her before the war? A Yes, sir.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Dr. John Thornton.

Q Was he an Indian? A Yes, sir.

Q Cherokee Indian? A Yes, sir.

Q Where was he living when the war commenced? A In Goingsnake.

Q How far was that from where you lived? A About 5 miles.

Q You know whether Rhoda had any children or not when the war commenced? A Yes, sir, she had two.

Q What were they, boys or girls? A Girls.

Q Where was Rhoda when the war commenced? A She was at home, when the war commenced.

Q Do you know what became of Rhoda Thornton during the war?

A Yes, sir, she went to Ft. Gibson after she left home where she lived.

Q When did you first see her after the war closed? A Why I saw her in Ft. Gibson in the summer of '66, last trip I made from Ft. Scott driving a Government team; that is the last place I saw her that as just before the war closed.

Q In the summer of '66? A Yes, sir.

Q Where did you next see her after that? A Next place I saw her was up here on Big Creek.

Q When did you see her up on Big Creek? A It was along in the winter of '67, I don't know exactly what time, but it was either January or somewhere along in there; it was cold weather.

Q Of '67? A Yes, sir.

Q How long did she stay up there on Big Creek? A I don't know exactly, quite a while I suppose; I was traveling around among them, there once in a while, I didn't live there.

Q When did you next see her after that? A Every once in a while up until now I see her every once in a while all along every month or two; she was a widow woman and working about, and I didn't see her every time I went in among the people; I didn't see her every time, but I have known her ever since that time, around about in the Nation, working about.

Q You know where she lives now? A Yes, sir.

Q You know how long she has lived there? A I don't remember exactly how long she has been living where she lives now, but it has been three or four years, I guess.

Q You know where she was living before she went to live at the place she now lives? A No, sir, I don't.

BY MR. HASTINGS: What was Dr. Thornton's wife's name?

A Frankie Alberty, before he married her.

Q She a sister of Jack Alberty's? A Yes, sir.

Q How far did Jack Alberty live from there at that time? A About seven miles, I think it was.

Q Did she have some more brothers over there, Mr. Thornton?

A Yes, sir, had Neal and Jess.

Q I would like to ask you if Thornton had any other slaves? A Yes, sir, he had several other slaves, several others, I couldn't tell their names unless I studied a while.

Q You don't know the names of them? I know there's Butler Duffin he was born a slave, and his mother and two girls and another brother named Josh; they are along in the country now, but I don't see them only once in a while like I have been seeing this woman.

Q How old were her children during the war? when you saw them first?

A Youngest about that high (indicating), and biggest about so (indicating); I don't know how old they were.

- Q Which one was the older one? A Mary Ellen.
- Q You have seen Mary Ellen and the other one ever since?
- A Yes, sir; once in a while.
- Q What were you doing at Ft. Gibson when you saw her there?
- A I was driving a Government team; hauling provisions there.
- Q War hadn't closed? A No, sir.
- Q That's the last time you saw her at Ft. Gibson?
- A Yes, sir.
- Q And you were there directly after that? A Not directly after that, but I was there in '68 after that.
- Q At whose place did you see this woman up there? A It was at Mike Witmire's; they didn't have no house there, they was camped and working trying to build a house.
- Q Where is the first place you ever saw this woman keeping house up here? A Up here on Big Creek.
- Q How long ago was that? A I don't know exactly how long ago that has been, but the first place I saw her up on Big Creek was at this George Duffin's; she was living George Duffin and his father.
- Q How long did she stay there? A That was in '67 or '68; she had her children there and she was working out.
- Q Where was she working? A I don't know where she was working.
- Q You didn't see her at that time, you just saw her children?
- A I didn't see her at that time, but I saw her a short time after that time, and see her children; I don't know where she was working.
- Q When did you next see her? A At Duffin's, she had been out working and come there where she left the children.
- Q How many children did she have? A Two.
- Q About how many years after the war was that? A About 2 years.
- Q About how many years after the war did she commence keeping house there? A I couldn't tell you that, I lost recollection of that.
- Q She has been in Kansas hasn't she? A I don't know, I never did see her in Kansas.
- Q You have missed her up here on the Big Creek neighborhood?
- A I missed her every once in a while, but I didn't know where she was.
- Q You don't know who she worked for? A No, sir.
- Q And don't remember where she lived? A No, sir. I know she stayed around among the people there she stayed some on Lightning, because we are all kin to her children.
- Q You didn't testify for her before the Kern-Clifton Commission did you? A No, sir, this is the first time.
- Q You didn't tell about her ownership then? A No, sir, I don't know who did, I know very well who held her as a slave, because I stayed there about four years myself while she was there; that's the reason I know it so well.
- Q You lived with Dr. Thornton? A I was hired to him when I was a young lad.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 142, #2962, Rhoda Thornton, district given as "Colordao."

APPLICANT, RHODA THORNTON, re-called and further examined:
BY COM'R NEEDLES:

- Q You didn't draw Strip money? A No, sir.

COM'R NEEDLES: Rhoda Thornton applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton pay roll, but is fully identified upon the Wallace roll according to page and number of the roll as indicated in the testimony; she avers that she was a slave, belonging to Dr. John Thornton, was in the Cherokee Nation during the war, and at Ft. Gibson in '66; she avers that since that time she has lived in the Cherokee Nation, that has been her home. For particulars as to her residence, reference is made to the testimony; the evidence is conclusive to the effect that she is a slave and was in the Cherokee Nation at the time prescribed by the time prescribed by the treaty of 1866; she will now be listed for enrollment as a Cherokee Freedmen on a doubtful card, awaiting further consideration of the Commission; she will be notified by mail of the action of the Commission in the premises.

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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 July 15, 1901.
(Signed) T. B. Needles,
Commissioner.

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J. O. Rosson, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original in the above case.

J. O. Rosson
Subscribed and sworn to before me this 5th of September, 1901.

T. B. Needles
Commissioner.

F. D. 968

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
... day of ... A. D. 190

Given under my hand this ...
day of ... A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
... day of ... 190

Louis W. Brown
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I deliverd a
true copy of the within notice to

on the ... day of ... A. D. 190

Subscribed and sworn to before me
this

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

FILED
SEP 24 1901

[Signature]
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Charlotte Henry
for enrollment as Cherokee Freedmen.

Case No. F. D. ~~968~~ 968

To Charlotte Henry or L. B. Brown nor App.

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 Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of _____ Indian Territory, on ~~Oct. 1st~~ ~~1901~~ at 3 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 Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this

SEP 28 1901

D. Bell
M. W. Hastings
J. H. ...
Attorneys for the Cherokee Nation.

to be filed with F.D-968 (Charlotte Henry)

F.D-966.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Rhoda Thornton for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-966.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in the case of Freedman Doubtful 318, also in the case of Freedman Doubtful 505, be introduced into and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reason that the same was not taken with reference to this case, and not under any rule of this Commission with regard to notice and cross-examination, and because the same is incompetent in the manner and form offered, and because it is immaterial and does not tend to prove any issue in this case, and because it is not the best evidence, and because it is hearsay.

Commission: This testimony will be filed with and made a part of the record in the case of Charlotte Henry, D-968, as well as in the case of Rhoda Thornton, D-966, the same being the case at bar. The applicant in the above cases are represented by Mellette & Smith.

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.

(Signed) P. G. Reuter,

(SEAL)

Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 2nd day of March, 1908, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

The Cherokee Nation is represented by its representative, L. B. Bell.

Ed. W. Rogers, being duly sworn, testified as follows on behalf of the Cherokee Nation.

His name:

- Q What is your name? A E. W. Rogers.
Q How long have you lived?
Q How long have you lived? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q How long did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whittrine? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Coalinga, Snake District.
Q Do you know what particular Whittrine he belonged?
A I don't remember whether he belonged to George Whittrine or Lee Whittrine.
Q If you did see him when did you first see Moses Whittrine after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons, and I met them right on this side of the Neosho River; Dick Whittrine, Moses Whittrine and Aaron Whittrine and old Major Wright is all I met in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 24 or more wagons was loaded with people?
A Yes, nearly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; betwixt the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

- Q How far S of the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, as I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitire you met and talked with is the same one you knew in Going Snake and belonged to the Whitire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you know? A I think Aaron Whitire and Moses Whitire and old Major Wright is the old ones I knew.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitire lives now, Moses Whitire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

- Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know though where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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

(Signed) J. O. Rossen.

Stenographer.

F. D. 018.

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

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedmen.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers commission on Citizenship," as follows:

"No. 25 Edward Wright
vs
Cherokee Nation. (Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 20 Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed
on the 20 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmer on the 26th of June, 1876, as found on pages 164 and 5 of book B, entitled, "Citizenship Record 1874," as follows:

"Before the Commission sitting at Tallahassee to try claims to Cherokee citizenship

The undersigned claimant in the case of
Lewis Whitmer

vs
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitnire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitnire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitnire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitnire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitnire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitnire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitnire.

June 26, 1878.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Cherokee's Court, Book A," page 278, case No. 60, as follows:

"Case 60.

Aaron Whitnire)
vs)
Cherokee Nation.)

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.
I do I think I am about 47 years old. I live in Illinois
Miss. lot, C. N. As a citizen of the Nation. I have been on the
doubtful roll but had my rights proven up before the Supreme Court.

As a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 31st or 32nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitnires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitnires who piloted the Whitnires party and my party were Sam Feltner, Mike Daniels, Sam Webber, Jr., Aaron Cether, Reuben Sanders, Turk Sanders.

The Whitnires proper were Aaron, Lewis, Ross, Dennis and Nelson Whitnire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I roved with my family I stopped on Bryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsly settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to look to claims for them, one was by Hefey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Gen Taylor when the war broke out. He was living on Greenleaf near Grand Mountain on this side of Arks. River. When the Whitnires returned to Fort Scott I do not know when they left there to come to this country as I left this there when I left. It was reported when they returned to the Nation that the Whitnires party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1862 I think. I did not know it myself but people told me. We could read.

I do not know myself what it was the month of Aug. When I came down first, but I was told it was that time.

Re Answer.

It was the December following the time I first came down that the Whitnires come down first to select and improve claims.

Black x Fields.

his mk.

Aaron Whitnire

vs
Cherokee Nation,
called and sworn.

) August 1, 1878.
) Buford Alberty, witness for claimant,

I reside in Coowescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coowescoowee District.

... the end of September, 1866. I had occasion some time in the last of Oct., or a little of Nov, or probably it might have been a late part of the month of November, to go to the Virgins. While out there I fell in with a party of seven or eight persons who were camped with others near San Crouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitire, and younger brother and Lewis Whitire. There was another person whom I was told was a German. I do not recollect any of the others and can not identify them. The Germans were Johnson, George Whitire, Aaron, Lewis and one other I belonged to George. In conversation with Sam Webber he said that I knew nothing about the treaty and if I had known I would have told him. I told him I did not know the treaty but had heard rumors about it. He told me they had come to pick themselves names or make claims and that he was the leader of the company and the reason why Sam Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemn'd flour at Gibson and if they could go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build their homes and go South. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I passed out at night did not see any of these parties after this time, May, 1867. There were no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare to go for the silver at Carlisle. They told me so at least. Sam Wright belonged to Cornelius Wright before the war.

Cross the line.

I heard after this that they went back to Kansas. At the time I do not know whether their families were with them. I think I saw a woman Whitire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitire boys. They were owned in the Nation and resided here up to the breaking out of the war.

H. W. Alberty.

Aaron Whitire
vs
Cherokee Nation.

I know Melissa Rutledge. She was twelve or thirteen years old at the close of the war.

She was living with the men and still lives in my family. Jack Rutledge was one of the band above referred to, also Hanson Daniels. I learned from our leaders Uncle Hills and Sam Webber that the Cherokee Delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief surveyor who crossed was a Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had his presence.

Case No. 1234

I am a claimant before this court for citizenship. I am the brother of Aaron Whitmire, and also his brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the army that went with me to the Nation are as follows: Mike Sanders, Sam Weeber, Peter Leigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Weber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brothers were authorized to make claims for citizens still back to Kansas. Dennis made a claim for Major Wright. I can't name any other. Witness was born of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Mr. Wright, and my wife and family composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Mrs. Leigs were left, the wife and children in Fort Scott when we were in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back to Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation from, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Leigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned to families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was joined by one Alex Ratliff at breaking out of war. She first came in March 1867. Jack Landman was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Abbott as a witness in this case.

Respectfully,

Mariah's family at the close of the war had a separate family. Henry Whitmire, her son, represented his father on the first trip in 1866. Witness is about 33 years old. Major Wright was an old man at the close of the war. Louis Whitmire has been back to the Nation before 1866.

Witness

D. L. Nicholson,
Clerk.

His
Cousin
Mariah

Case No. 1234

Aaron Whitmire & Family)
vs)
Cherokee Nation.) Claiming citizenship.

Witness as claimant by Act of the Commission sitting at Fort Scott to try certain claims for citizens of the Cherokee Nation and makes this his statement of the grounds for said claim to wit:

Witness is a colored man and claims to be a citizen under privilege of the fifth specific article of the clauses of claim preferred by me to the Commission to examine and decide rights by competent authority having jurisdiction of citizens.

Witness belongs to the Whitmire & Cherokee citizen at the commencement of the war of the rebellion and then lived in this

... At the beginning of said war claimant lived in the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence. While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to permit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to or other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
 Aaron Whitnire,
 By Atty Wm. P. Roudinot.

Aaron Whitnire
 vs
 Cherokee Nation.

August 1st, 1872.

Wm. Martin, witness for claimant, called and sworn. I live on Big Creek, Cooweescoowee, C. N. As a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitnire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLoan gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were some who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
 Vs) July 4th 1873.
 Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest: Wm. McCracken.
 D. L. Nicholson, Clerk.

Aaron Whitmire
 vs
 Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The land of claimant is in the same locality as that at the time
of the above. In Oct. or Nov. 1866 I gave claimant and other
persons permission to dig up the old fields in that neighborhood
for the purpose of raising crops the year following. Louis Whitline
is the name of the other man. I was permitted to go on the old
field. In Spring of 1867 I saw Aaron and Louis Whitline at work
on the two fields spoken of. I saw a number of colored men
in the company of the white men, and the colored men were
working on the fields. I saw a number of colored men and a
good many white men.

Witness was a part of the party in 1866 and 1867 and
saw a colored party who were digging up the old fields in the neigh-
borhood of the above and the white men were also digging their
holes. Several colored men were seen at the houses which the
white men were digging up and the white men were the houses of the
party whose land it is.

At the above time the party were digging up the party. A Dele-
gation for the State Fair was sent to the party were parties
as well as some of the party were parties to expel or drive off
from their places the colored party and they were prospecting
the country. This was done for the purpose of witness and it was not
done or carried out. Witness' party spoken of above was composed
of Cherokee citizens except one colored man. I am the sole survivor
of this party except the colored man and possibly one other.
Occupation of witness is herding wild cattle. I travelled a good
deal in that neighborhood at that time spoken of.

"Col. named on the 1866."

Witness sworn to at) July 13th 1878.

Charles A. [Name])

Witness sworn to at)
I first moved there in 1852 and have continued
to reside there up to the time of war. I came back in the month of
August 1867 to the nation. I lived on Whitline. He returned or
came to the Virginia River to live in the month of March 1867.
Also came to the same time with me; Mike Sanders, Sam Walker,
they came with their families and others whom I don't recollect.
I don't recollect that spring in 1867 on an old place of Aaron
Whitline. He had settled on other place before that.

Gross Whitline.

I don't know of any colored heads of families coming in to the
nation in the month of Decr. 1866 to locate homes but I know of
several who came in for that purpose. I know Mike Aaron
and the others who came in. I was near Aaron's house in Decr.
1866. I lived on the west side of the river. Pleasant lives and
settled on the east side of the river. If any heads of families came
in Decr. 1866 I don't know of them. I never knew of Whitline
Aaron being in the month of the country in 1866 in the party who
came down in Sept. 1866. Aaron Whitline was not along but Mike
Sanders, Sam Walker, Gilbert & George Hally Foreman. Moses was not
along. Dennis was not along and Fred of the party was Major Wright
for Nelson Whitline that I know of. If any party had come down
in Decr. 1866 I think certainly I would have known it.

Joseph Wiley.

Joseph Wiley.

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my incorporation. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. V. Alberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitfire)
vs)
Cherokee Nation.)

Tahlequah May 10, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1892.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1892.

Bruce Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5th, 1901.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee Freedman; said Duffin being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A George B. Duffin.
Q How old are you? A I was born in '51.
Q Well, how old would that make you? A 49 I guess, about 49.
Q What is your postoffice? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities?
A I have been voting and issuing permits.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A It is on the Kern- and Wallace roll.
Q Who do you want to enroll? A None but myself.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir.
Q What is your mother's name? A Francis Duffin.
Q Is she living? A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 182, #4486, Geo. B. Duffin, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 110, #2345, George B. Duffin, Cooweescoowee District.

- Q Were you a slave, Mr. Duffin, before the war? A Yes, sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Fort Scott, Kansas.
Q Who took you out? A The United States troops.
Q Were you a soldier? A Yes, sir, I was a child.
Q When did you return to the Cherokee Nation? A In the summer or fall of '66.
Q Where did you come to? A Big Creek.
Q Have you been living in the Cherokee Nation ever since that time? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q You say you have voted in the Cherokee Nation? A Yes, sir.
Q Had permits issued to you? A Yes, sir.
Q Who did you return with? A Just the family, we came down, father come down in the summer of '66, with quite a troop of them and selected his home and he went back and sold his crop that fall and came down and arrived on Big Creek in the fall or November of '66.
Q Who did you say your owner was? A Doctor John Thornton.
Q Did he own your father and mother? A No, sir.
Q Whom did they belong to? A He owned mother.

Q Did your father and mother return with you? A Yes, sir, and four children.

Q They are both dead, are they? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q What was your mother's name? A Frances Duffin.

Q Do you sometimes go by the name of George Keyes? A No, sir.

Q You have a sister by that name? A Eliza Keyes.

Q You have another sister, Sarah Moss? A Yes, sir.

Q When you came back you come to Big Creek? A Yes, sir, when we moved.

Q What part of Big Creek was it? A Near the head of Big Creek, near about eight miles from the Kansas line.

Q How far is that from Snow Creek? A About ten miles, east ten or 12 miles.

Q Any other family come with you except yours? A No other family.

Q You come right there and located first? A Yes, sir.

Q Who was living around there at the time? A On Big Creek?

Q Yes. A Well, there was Andy Dougherty.

Q Was he a Freedman? A Yes, sir; Daniel Sanders, Mike Sanders and Same Webber.

Q They were all living on Big Creek, were they? A Yes, sir, some of them in houses and some partly in tents and so forth.

Q They had come before you? A Yes, sir.

Q Had they made a crop there that year? A They had some little patches killed out.

Q Had corn in them? A They had gathered what corn they had, it was in November when I got there.

Q Did you know Jim Martin? A Did I know him?

Q Yes. A Yes, sir.

Q How far do you live from him? A I live about 12 miles from where ~~you~~ he lives.

Q Do you know William Noble? A Yes, sir.

Q Where did he live? A He lives about four miles now.

Q How long has he lived there? A I got acquainted with him in November in the fall of '70.

Q He was not there then? A No, sir, the place he lives on now was made by Doctor Brown.

Q Was any Cherokees living near that place when you come? A Yes, sir.

Q From what place in Kansas did you come? A Anderson County.

Q What point? A Near Garney.

Q Did you come by way of Chetopa? A Yes, sir.

Q Through what other towns did you pass? A In our coming?

Q Yes. A We came down through a little town that was called Osage Agency I think; that is about the only town I remember of; we came through several towns, but we came through what is known as the Osage Nation or the Osage Mission, I don't remember now; I remember there was Osage to it.

Q Did you pass by any Cherokee houses in the Cherokee Nation? A No, sir.

Q Didn't see any at all? A No, sir; never seen a house after we left the little village of Chetopa until I came down to Big Creek.

Q You come by way of Chetopa and then turned west? A Yes, sir.

Permission is granted Mr. Edgar Smith to interrogate the applicant:

- Q You state Eliza Keyes was your sister? A Yes, sir.
Q And what is your other sister's name? A Sarah Moss.
Q Who was with you when you came back from Kansas? A Just two wagons, the family.
Q Well, state who was in the family? A My father, mother, brother and two sisters.
Q What are your two sister's names? A Sarah and Eliza and Joshua.
Q Was Sarah or Eliza older than you? A They are younger.
Q Are they both your full sisters? A Yes, sir.
Q To whom did they belong? A The sameman, Doctor Thornton.
Q Did they go out with you? A Yes, sir.
Q Come back with you? A Yes, sir.
Q When do you say they came back into the Nation after the war?
A In the fall of '66.
Q Where did they take up their residence; where did they live after they come back here in the fall of '66? A They lived until they became women in the house with us and Sarah lived with us part of the time; two of her children were born right in Father's house.
Q Those two sisters you have named lived with you and your father? A Yes, sir.
Q Where was your father's house? A About eight miles from the Cherokee line on Big Creek.

BY W. W. HASTINGS:

- Were these girls married when you come down here? A They was quite small, small children.
Q Have you ever worked in Kansas after you came down here?
A Yes, sir, I have been working a great deal from '87, I travelled in the Ministry.
Q Are you married? A No, sir.
Q Where were you traveling in the Ministry? A All through this Nation and in Kansas, in Arkansas, until '84, father was taken sick and I was going to school.
Q Where? A Baker University, in Kansas.
Q You remember the Osage Mission? A Yes, sir.
Q You remember Chetopa? A Yes, sir; that is, what there was of Chetopa, you know there was not much of Chetopa; there wasn't but one or two stores.
Q I know it was not named until '67? A I think it was there.

BY COM'R NEEDLES:

- Q Do you ~~know~~ own any improvements in the Cherokee Nation?
A Yes, sir.

BY W. W. HASTINGS:

- Q You knew that you were not a recognized citizen of the Cherokee Nation? A Well, I don't know.
Q You knew the Cherokees didn't recognize you? A Yes, sir.
Q What did you make your home for when you knew they didn't recognize you? A I knew I wasn't a citizen if I come by the Cherokees' recognition.
Q You then went out on the Public Domain and took a home?
A Yes, sir.

COM'R NEEDLES:

Q Do you know the reason your name is not on the 1880 roll, Mr. Duffin? A No, sir; in 1880 the census taker came to my father's house and eat supper and breakfast and the next morning them taken all of our names and I don't know what they done with them.

BY MR. W. W. HASTINGS:

Q What was their names? A I don't know; I didn't know any Indians then only those down in Goingsnake District, where I was bred and born.

BY MR. SMITH:

Q You spoke of Chetopa having one or two stores; do you know whether it was named at that time or not? A No, I don't.

Q You had reference to the place? A Yes.

BY MR. HASTINGS:

Q You heard me say that it wasn't named since you give the other testimony, didn't you?

A I don't remember what you said in that regard.

COM'R NEEDLES:

Q Now, Mr. Duffin, you passed by the place that is now called Chetopa didn't you? A Yes, sir.

Q How old were you when you passed by there? A Well I guess I was about 14; I think I was 14 when we came to the Nation.

BY MR. HASTINGS:

Q When did you first see Allen Lynch after the war, on Big Creek? A No, sir, I don't remember; I have knowed him nearly all my life.

ALLEN LYNCH BEING SWORN AND EXAMINED BY COMMISSIONER T. B. NEEDLES, testified as follows:

Q What is your name? A Allen Lynch.

Q What is your postoffice? A Vinita.

Q How old are you, Mr. Lynch? A 61 years old.

Q You are a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Name on the roll of 1880? A Yes, sir.

Q Do you know the applicant, George B. Duffin? A Yes, sir.

Q How long have you known him? A I have known him ever since he was a little boy.

Q Was he a slave? A Well, yes, sir; that is, his parents was.

Q Do you know to whom he belonged? A His father belonged to a man by the name of Tyner.

Q Do you know who his mother belonged to? A His mother belonged to Dr. Thornton.

Q Well now, do you know whether the applicant was taken out of the Cherokee Nation during the war? A No, sir, I don't know.

Q Where did you first see him after the war? A The first time I saw him was down here.

Q Down where? A In the Nation.

Q Where? A I never seen this man until about '67 or '68.

Q ~~Was~~ Did you see his father and mother before that? A Saw his father.

Q When? A Saw his father in October or September, '66.

- Q Where was his father living then? A His father was living in Kansas and come down here and I saw him at Art Williams'.
- Q Was any other man with him? A Not that I saw.
- Q You don't know whether this applicant was here in 1866 or not? A No, sir.
- Q You know his father? A Yes, sir.
- Q Well, have you known him ever since? A Yes, sir.

BY MR. SMITH:

- Q Do you know Eliza Keys? A Yes, sir.
- Q What kin is she to him? A Sister.
- Q Do you know Sarah Moss? A Yes, sir.
- Q When did you first see them after the war? A I never saw any of the family until after they moved down except the old man until along in '67, somewhere along there.
- Q Where were they living when you saw them? A They were living over on Big Creek, and the old man come over there on Grand River and preached for us.
- Q What year was that? A In '67 or '68, and along until he died.

BY MR. HASTINGS:

- Q Allen, do you draw a pension? A Yes, sir.
- Q For a wound that was inflicted during the war? A Yes, sir.
- Q On the point of the left shoulder? A Yes, sir.
- Q Where was that wound inflicted? A At Honey Springs.
- Q Down here? A Down in the Creek Nation.
- Q What year? A '64 I believe, July 16th, I think that is the time.
- Q Now where did you see this man Duffin over on the Grand River? A At Art Williams' on Grand River.
- Q Were they living over there? A No, sir; they were there looking around.
- Q Did they go back to Kansas? A Yes, sir, they went back to Kansas.

FILMORE HICKS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Filmore Hicks.
- Q Postoffice? A Vinita.
- Q Are you a Cherokee citizen? A Yes, sir.
- Q By blood? A Yes, sir.
- Q Do you know George B. Duffin, the applicant? A Yes, I am acquainted with him.
- Q How long have you known him? A I don't know exactly how long; I have known him; I have known him 25 years I reckon.
- Q Do you know whether he was a slave before the war? A No, sir, I don't.
- Q Do you know whether he was taken out of the Cherokee Nation during the war? A No, sir.
- Q When did you first see him after the war? A I met him about '73 or '74.
- Q Did you know his father? A Yes, sir, I knew his father.
- Q And his mother? A No, sir, I didn't know his mother.
- Q Where did you first see his father after the war? A On Grand River at Lynch's Prairie.
- Q What year? A '66.
- Q Did he have his family with him? A No, sir.
- Q Did you see any other members of his family, his sisters?

A In '66?

Q Yes? A No, sir.

Q Didn't see anybody but the old man? A No, sir.

BY MR. DUFFIN, the Applicant:

Q I would like to ask Mr. Hicks before this Commission what was father's business down in '66? A Well I saw him up there at Lynch's and he was talking about looking out for places, him and Tom Mayfield together looking for locations.

BY MR. HASTINGS:

Q He went back to Kansas? A I suppose so.

COM'R NEEDLES:

Q How do you know? A I don't know.

Q Did you testify for Aaron Martin? A Yes, sir.

Q Anderson Lynch, commonly known as Crap Lynch, testified for him? A No, sir, I don't think he did.

Q Didn't Aaron Martin promise to give you and Anderson Lynch a mule to testify for him? A Promised to pay.

Q What? A Yes, he paid us for it.

Q A mule? A Yes, sir.

Q What is the mule worth? A I don't know.

BY COM'R NEEDLES:

Q When was that? A When the Commission was at Vinita.

Q Well he was as good as his word and paid the mule did he?

A Yes, sir.

MOSES RILEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Moses Riley.

Q What is your age, Mr. Riley? A About 51.

Q Postoffice address? A Chelsea.

Q Are you a Cherokee Freedman? A Yes, sir.

Q Is your name on the roll of 1880? A No, sir.

Q Well do you know the applicant, George B. Duffin? A Yes, sir.

Q How long have you known him? A All my life, might near.

Q Was he a slave? A I never saw him when he was a slave, I saw his father.

Q His father was a slave, was he? A Yes, sir.

Q Do you know whether George here was taken out of the Cherokee Nation during the war? A Yes, sir.

Q Where was he taken? A Kansas.

Q Who took him? A I don't know, sir, who took him.

Q You saw him in Kansas? A Yes, sir.

Q Did you know when he returned to the Cherokee Nation?

A His father returned here in the fall of '66, or somewhere along about there.

Q Did his father have his family with him? A He didn't when I saw him.

Q You say his father didn't have his family with him? No, sir, his father was at my father's house.

Q When did you first see George? A I knew George a little before Christmas.

Q Little before Christmas? A Yes, sir.

Q What year? A The same winter.

- Q The same winter that you saw his father in the summer?
A No, sir, I saw his father, I never saw his father until the winter.
Q When did you see George? A I saw him the same winter, saw him on Big Creek.
Q Do you know whether that was '66 or '67? A Winter of '66.
Q Was his father keeping house there? A Yes, sir, his father was keeping house.
Q George was one of the children? A Yes, sir.
Q George was a minor; was he under 21? A Yes, sir.

BY W. W. HASTINGS:

- Q Mose, you are a son of Riley McNair? A I guess so, that is what I am claiming to be.
Q That is what you swore? A Yes, sir.
Q You are on a doubtful card yourself? A I expect so, I am not on the 1880.
Q You applied at Vinita and you know it?
A Yes, sir.
Q Were you present the other day when Mrs. Martin Thompson testified in your case? A Yes, sir.
Q Where did you go when you returned to the Cherokee Nation yourself? A Returned to the old McNair place in Saline.
Q What time did you reach there? A In the fall, sir.
Q How old were you then? A I don't know, sir, how old I was.
Q Grown? A No, sir, I wasn't grown I know.
Q Just a boy? A Somewhere along between a boy and a lad.
Q Now, how far is Grand River from Big Creek? A Yes, sir.
Q From where you lived on Grand River to where this man lived on Big Creek? A I expect it must have been about 30 miles, I expect from where we was then.
Q Lots of other people living up on Big Creek at the time?
A Yes, sir, lots of darkies.
Q Lots of them? A Yes, sir, lots of them.

GEORGE B. DUFFIN, the applicant, recalled:
BY COM'R NEEDLES:

- Q Your earliest recollection where were you? A My earliest recollection I was down here in Going Snake District about six miles they called it from Dutch town, that is where I was born.
Q Then you recollect going to Kansas? A Yes, sir, I never could forget that, we left the Nation with about 50,000 soldiers and they carried us about 20 miles horseback.
Q Now, when you returned, did you return with your father's family? A Yes, sir.
Q You don't recollect whether your father had been down in the Cherokee Nation before he went back after his family or not?
Q Yes, sir, he came down the summer preceeding the fall lookin out a location.
Q Then went back to Kansas after his family? A Yes, sir.
Q Did he bring your mother? A Yes, sir; well our crops and effects there all we could haul and come on down.
Q You were quite a child then? A Yes, sir.
Q About how old were you? A It has been quite a while, but I think I was ~~12~~ about 14.
Q You have been living in the Cherokee Nation ever since?
A Yes, sir.
Q You have been out occasionally in the Ministry, around in the different States? A Yes, sir, I have been in Missouri, and Kansas and Arkansas and in this Nation.
Q Have you ever established a home outside? A No, sir: I

went two years to school at Baker University.

COM'R NEEDLES: George B. Duffin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is fully identified upon the Kern-Clifton roll and Wallace pay roll. By reason of the fact that his name is not upon the roll of 1880 and further fact that his citizenship is contested by the Cherokee Nation, George B. Duffin will be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified of the decision of the Commission when arrived at.

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

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 7th day of June, 1901.

(Signed) C. R. Breckinridge,

Commissioner.

Supl. C.F.D-#505.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WINITA, I.I., OCTOBER 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George B. Duffin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:

Mellette & Smith, Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.
(Witnesses called and sworn and placed under the rule.)

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows.

- MR. HASTINGS: What is your name? A W. A. Johnson.
- Q What is your age, Mr. Johnson? A 71 years.
- Q What is your postoffice address? A Barnett, Kansas.
- Q How long has that been your postoffice? A Since 1858.
- Q Did you know a colored man by the name of Nathan Duffin?
- A Yes, sir.
- Q Did you know his wife, Frances? A I don't know what his wife's name was.
- Q You knew her, knew he had a wife? A I knew he had a wife.

- Q Did you know any of his children? A I knew two boys, two sons, young men.
- Q Do you remember their names? A I do not, I don't know that I ever knew their first name.
- Q Did he have any girls you remember? A Yes, he had a couple of girls, but I don't know what their names was.
- Q Well, when did you first learn to know this family? A About '66.
- Q Where did they live at that time? A They lived in the vicinity of Garnett, Kansas.
- Q Live on the farm? A Yes, sir.
- Q Did you know what old man Duffin's occupation was?
- A He was a preacher.
- Q How long did they continue to live in that vicinity from 1866? A My recollection is that they were there in the spring of '70.
- Q What fixes that date that date as the date that you think they were there last? A That was the date in which the Leavenworth, Florence & Galveston Railroad was built to Garnett, and they were there during the building of that road until it was down to Garnett, and I know that they were there from the fact that they hauled railroad ties right past my house to the road until it was finished.
- Q How far did they live from you, Mr. Johnson? A About two mile and a half.
- Q Did you have occasion to see them frequently? A Saw them almost every day, that is the two young men.
- Q Did any of them ever work for you? A Yes, sir, I had th em chop wood for me.
- Q You remember when that was? A I think that was in the winter of '67 and '8.
- Q I believe that you stated that you are practicing attorney at Garnett, Kansas? A Yes, sir.
- Q You also stated in another case that you had been County Attorney and Judge? A Yes, sir.
- Q Up in the State of Kansas? A Yes, sir.
- Q You didn't know but two boys of Duffin's? A That is all I have recollection of now.

MR. SMITH: Mr. Johnson, you don't know whether the men or the boys that you knew there, whose names you didn't know, are the men who apply in these applications for enrollment do you?

A No, sir, I do not, I haven't seen the men since they left Kansas.

Q Now, when did you last see the girls? A It was somewhere about the spring of '70.

Q Well now, you spoke of the boys having got wood for you in '67 or '8, did you have any occasion to know anything about the girls at that time? A Nothing more than the fact that the girls were there about the house where their father lived, the man I supposed to be their father.

Q Where did they live? A They lived about two miles southeast, from Garnett on the farm owned by Judge Campbell.

Q They lived out in the country on the farm? A Yes, sir.

Q And you lived in Garnett? A No, sir, I lived adjoining Garnett.

Q Did you live on a farm? A Why I lived on a small tract of land adjoining the City.

Q Well practically you lived in Garnett? A Yes, sir, my office was in Garnett and has always been.

Q When was the last time that you could state you have been at the house of these people? A I could not state that exactly, but it was sometime about the time the railroad was completed to Garnett.

Q Well, you stated that you remember seeing the father and I don't remember whether you said the boys or not, working there hauling the time the railroad came there, but did you see the girls at the same time, they weren't hauling? A No, sir, but I frequently passed the place, I have seen them around the house.

Q Who would you see around the house? A I would see some girls there.

Q How many? A Two that I remember.

Q What was the difference in their sizes? A I have no recollection now whether there was any particular difference in the sizes or not.

Q You don't know what two girls they was? A No, sir; I understood that they were Duffin's girls.

Q Were you ever at the house? A Yes, sir, I have been at the house, not in the house but I have been at the house.

Q When did you first know Duffin? A I think it was in the winter of '66.

Q Can you state positively whether Duffin was there in the winter of '66 and Spring of '67? A In the spring of---

Q Winter of '66? A Well, that is my best recollection.

Q But you can't state that positively? A No.

MR. HASTINGS: You mean to say by that that you don't know just any one time or what did you mean by that? A I mean by that that I could not be positive about just the exact time I saw him there.

Q Did you see him up until the spring of '70? A Yes, sir, I saw him frequently then.

MR. SMITH: Now, let me understand you, I want to know whether you can state positively whether he was there at all during the winter of '66 and spring of '67? A I would say he was.

Q Now what time did you see him in the spring of '67? A I could not say just what time, there is nothing by which I could distinctly fix the time.

Q If you can't fix the time you don't know he was there?

A Well sir, I had just come home from the army during the winter of '65, and when I come home a short time afterwards I got acquainted with him.

Q Well, now, how long afterwards? A I could not say how long.

Q About how long? A It has been a good long time ago, about, probably it was three months.

Q What time did you get home from the army? I got home on the day of the election in November.

Q That was in '65? A Yes, sir.

Q And you don't know within three months of that time you ~~got~~ first got acquainted with Duffin, do you? A Yes.

Q Now, what time? A I say about three months after that.

Q About three months after November, 1866? A 1865.

Q Then one year from that time, where was Duffin? A I could not say just where he was just one year after that.

Q Have you anything by which you fix these dates at all, or are you testifying from your independent recollection of facts?

A I am testifying from my recollection of facts, except that I know the railroad was completed to Garnett on the first day of May, 1870, and that they were there then.

Q Can you state with reference to the two girls you mentioned when, before that railroad was completed, when you last ment them and under what circumstances? A No, sir, I could not state under what circumstances I saw them at any time, simply see them there about the house as I would see any other lady.

Q Was there a man up there named Amby? A Hamby.

Q Hamby? A Yes, sir.

Q Did they live on his place? A I am not certain whether they did or not.

Q Do you have any recollection of their ever being on there or living on that place at all, Hamby's place, the preacher?

A No, sir.

Q Well, what do you say about that, were they on his place, or do you remember? A Not that I recollect of and I think too they were, but I am not positive about that, it has been a long time ago, and I haven't thought about those matters.

Q Did you see this man, Nathan Duffin, in October, '66?

Q I could not say whether I did or not.

Q Can you state whether he was in Kansas during October or September, '66? A It would be my recollection that he was, but I could not fix any particular time that I saw him in the fall of '66.

COM'R NEEDLES: This testimony will be made part of the record in the case at bar, D-505, and also will be made part of the record in Cherokee Freedmen cases D-506, D-507, D-509, D-510.

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

(Signed) J. O. Rosson.

Subscribed and sworn to before me this November 12th, 1901.

(Signed) T. B. Needles,
Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and correct copy of the testimony and proceedings in this case.

Emabel F. Maxwell,

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

Bruce Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERCY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitwire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F. D. 402, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charlotta Henry, D 968;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

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

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

E. C. Bagwell
Notary Public.

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

In the matter of the application for the enrollment of
Rhoda Thornton and others, consolidating the applications of:

Rhoda Thornton
Charlotte Henry

Cherokee Freedmen D 966
Cherokee Freedmen D 968

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Rhoda Thornton for herself, and by Charlotte Henry for herself. Copies of testimony taken at various times in the cases of George B. Duffin, Cherokee Freedmen D-505, and Edward Wright, Cherokee Freedmen D-818, are made a part of the record herein.

The evidence shows that Rhoda Thornton and her daughter, Charlotte Henry, were the slaves of a Cherokee citizen at the commencement of the rebellion; that said Rhoda Thornton left the Cherokee Nation during the rebellion but returned thereto and established her residence therein, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. v Cherokee Nation et al., for the return of Freedmen to the Cherokee Nation; and that Charlotte Henry was residing with her mother in the Cherokee Nation during the said period specified in the above mentioned decree.

The evidence further shows that since the close of the rebellion, the applicants have lived at various times outside of the Cherokee Nation, but it does not appear that they ever removed with their effects from said Nation or became citizens of another government. It is further shown that said Charlotte Henry resided continuously in the Cherokee Nation from 1892 to 1900; and that said Rhoda Thornton resided continuously therein from about 1892 down to the date of her application herein.

It is, therefore, the opinion of this Commission that Rheda Thornton and Charlotte Henry should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby.
Chairman.

(Signed) T. B. Needles.
Commissioner.

(Signed) C. R. Breckinridge.
Commissioner.

(Signed) W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this Mar 15 1904.

DEPARTMENT OF THE INTERIOR,
commission to the five civilized tribes,

In the matter of the application for the enrollment of
Rhoda Thornton F. D. 966
Charlotte Henry F. D. 968.

Protest.

The Cherokee nation protests against the decision of this commission
in these cases and asks that the record of proceedings be forwarded to
the Honorable Secretary of the Interior for review.

Respectfully,

W. W. H. A. & C. L. H. C. I.
Attorney for the Cherokee Nation.

5
A

MAN

Handwritten text, possibly a signature or name.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Wm. H. Henry,
Chelsea, I. T.
Cherokee F-3-968
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 966 & D 968

Muskogee, Indian Territory, June 8, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the applications for the enrollment of Rhoda Thornton and Charlotte Henry as Cherokee freedmen.

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

Respectfully,

Encl. V-21

Chairman.

Cherokee-Freedmen
D-966-968.

Muskogee, Indian Territory, June 30, 1904.

Charlotte Henry,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the commission's decision, dated March 5, 1904, granting the applications of yourself and your mother, Rhoda Thornton, for enrollment as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. I-14.

Register.

Cherokee Freedmen
D-966-968.

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,

Agent for Rhoda Thornton,

Winita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 6, 1904, granting the applications for the enrollment of Charlotte Henry and Rhoda Thornton, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-15.

Register.

COPY.

Cherokee Freedmen

D-966-988.

Muskogee, Indian Territory, August 13, 1904.

Charlotte Henry,

Nowata, Indian Territory.

Dear Madam:

On June 30, 1904, there were forwarded to yourself and your agent, Louis T. Brown, Vinita, Indian Territory, copies of the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of yourself and your mother, Rhoda Thornton, as Cherokee freedmen. Your said agent has heretofore been furnished with a copy of the record of proceedings.

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

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

Respectfully,

Tame Bixby
Commissioner in Charge.

COPY.

Cherokee Freedmen

D-966-968.

Muskogee, Indian Territory, August 18, 1904.

Louis T. Brown,

Agent for Charlotte Henry, et al.,

Tablequah, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded to you a copy of the Commission's decision, dated March 3, 1904, granting the applications for the enrollment of Charlotte Henry and Rhoda Thornton as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are to be advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is being furnished to Charlotte Henry, Nowata, Indian Territory, by the attorney for the Nation.

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

Respectfully,

Tame Bixby. Chairman
Commissioner *Charr*

COPY

Cherokee Freedmen,
7-966-968.

Washington, Indian Territory, August 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings held in the Council of the Cherokee Nation, et al., in relation to the Commission's decision, dated March 5, 1904, granting applications for the allotment of lands to the Cherokee Freedmen.

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

Very respectfully,

James Dixby.

Chief Clerk.

Encl. 1-34.

Through me

Comptroller of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON. September 22, 1904.

Land.

57606-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Rhoda Thornton for herself and by Charlotte Henry for herself.

March 5, 1904, the Commission decided favorably to the applicants.

The record shows that both applicants, being mother and daughter, were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that Rhoda Thornton left the Cherokee Nation during the war but returned and established a residence therein prior to February 11, 1867, and that Charlotte Henry was residing with her mother, Rhoda Thornton, during said period.

The applicants are identified on the Wallace roll but no other.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

A. C. Tomer

Acting Commission

M.M.M.
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W. C. F.
Y. P.
PHE

D. C. 40760-1904.

WASHINGTON, October 20, 1904.

I. T. D. 7674-1904.

IRS

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

Gentlemen:

August 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of Rhoda Thornton, et al (F. D-966-968), including your decision of March 5, 1904, granting the applications for the enrollment of Rhoda Thornton and Charlette Henry as Cherokee freedmen.

Reporting in the matter September 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

(c O P Y)

Commission of the five civilized tribes when the case of
sharlotte henry and mary E miller daughters of rhodia thornton
has been decided please forward same to Howata I T to sharlotte
henry

COPY.

Office of the Commissioner
D-967, D-968.

Washington, Indian Territory, October 9, 1904.

Charles Henry,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of yourself and your minor, Aboud Fernston, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-968

Muskogee, Indian Territory, October 29, 1904

Louis T. Brown,

Attorney for Charlotte Henry,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting, among others, the application for the enrollment of Charlotte Henry as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-966, D-968.

Muskogee, Indian Territory, October 29, 1904.

Edgar Smith,

Attorney for Rhoda Thornton, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Rhoda Thornton and Charlotte Henry as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-966 D-968

Muskogee, Indian Territory, October 29, 1904.

Bell, Hastings and Davenport,
Attorneys for Rhoda Thornton, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Rhoda Thornton and Charlotte Henry as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Cher Fr 1413

Trans. from Cher Fr D966

Cher Fr 1413

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29, 1901.

In the matter of the application of Rhoda Thornton for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A Rhoda Thornton.
Q How old are you? A About 66.
Q What is your post-office address? A Chelsea, I. T.
Q You live in Cooweescoowee District? A Yes sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and 2 daughters and my son.
Q Are your daughters of age? A Yes sir.
Q Your son of age? A Yes sir.
Q They must appear for themselves; you just apply then for the enrollment of yourself? A Yes sir.
BY MR. SMITH:
Q Where do you live? A I live about, I guess it is about 18 miles east of here, in Cooweescoowee District, on the head of Pryor's Creek.
Q How long have you lived where you live now? A I have lived between seven and eight years there.
Q You may give the names of your grown children? A Mary Ellen is the oldest.
Q What is her name now? A Mrs. Miller, Mrs. E. J. Miller.
Q How old is she? A She is about 42 I guess.
Q Is she married? A She has been married; she is a widow.
Q Has she any children? A No sir.
Q Where does she live? A She lives with her sister.
Q Where? A It is about two miles, she is staying on her sister's farm.
Q Where does her sister live? A She lives on her farm.
Q Where is her farm? A About two miles from me, about 27 ~~miles~~ or 28 miles from here I guess.
Q How far from Nowata? A I guess it must be between 18 and 19 miles from here I guess.
Q In the Cherokee Nation? A Yes sir.
Q Now give me the names of your next one? A Charlotte, Mrs. R. D. Henry.
Q She is married to a man named R. D. Henry? A Yes sir.
Q Where does she live? A She lives on her farm.
Q At the place you just spoke of? A Yes sir, her and her sister lives together.
Q Have you any children? A One boy.
Q What is his name? A Freddie Thornton.
Q How old is he? A About 31 or 2 now.
Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a Cherokee Indian? A Yes sir.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q Where was he living when the war commenced? A In Goingsdelo District, on Barron Fork.
Q Where were you living at that time? A I was living with him.
Q Were you taken out of the Nation during the war? A Oh no sir, I wasn't taken out, yes I was out a little while right time the soldiers and all was there.
Q What children did you have at the time the war commenced? A I had Mary Ellen and Charlotte and a little boy that died named Lewis;

Rhoda Thornton 2

he died; I was the mother of three children time of the war.

Q Where were the children whose names you have mentioned born, outside of Mary Ellen and Charlotte? A Freddie was born in Kansas just a little after the war.

Q When did you come back to the Cherokee Nation? A Me?

Q Yes, after the war, or after you went out with the soldiers?

A When I went out with the soldiers?

Q That's what I said? A I went up to Cane Hill, and I cooked there a while for Major Willett.

Q That is Cane Hill, Arkansas? A Yes sir.

Q That during the war? A Yes sir, just after the Prairie Grove Battle.

Q What I want to know is when you came back to the Cherokee Nation after you went out of the Nation during the war and went to Cane Hill and these places you have mentioned? A I went right from Cane Hill on down by Ray's Mill, and went down in a Government wagon, after cooking for Major Willett; I cooked for him about six weeks on Cane Hill and I cooked for him about two weeks at Ray's Mill, then I went in the Government wagons on to Ft. Gibson.

Q You know what time you went down to Ft. Gibson? A No sir, the wagons went down before the close of the war.

Q It was during the war then? A Yes sir, right during the war I come back.

Q How long did you stay at Ft. Gibson after you got back there? A I stayed there at Ft. Gibson off and on I guess for three or four years.

Q Where were you when peace was declared? A I was in Ft. Gibson, sir.

Q How long did you remain in Ft. Gibson after the war closed? A I must have remained there after the war closed for a year or so, there in Ft. Gibson and about Ft. Gibson, because I cooked for Colonel Phillips there.

Q Then where did you go? A I come up on Big Creek.

Q Was that in the Cherokee Nation? A Yes sir.

Q How long did you live on Big Creek? A I stayed there on Big Creek quite awhile.

Q You stayed about how long? A I couldn't tell you just how long, but I must have stayed there off and on for four or five years I guess, off and on.

Q I don't want to know anything about how long you stayed off and on, but when you went to Big Creek after you left Ft. Gibson how long did you stay at Big Creek? A I stayed at one place there at Nathan Tyner's there I guess a year or more, not there at one place but I made that my stopping place pretty much.

Q Where were you during the ~~year~~ year of 1866? A I was in Ft. Gibson.

Q I believe you left Ft. Gibson you said? A When I come to uncle Nathan ~~at~~ Tyner's, when I come from Ft. Gibson I come to uncle Nathan Tyner's.

Q Then where did you go? A I went to aunt Sukey Hayes, I was a widow and had to do the best I could, and had my children.

Q How many children did you have then? A Two children.

Q Where were your other children born? A In Going Snake District, right at my master's before the war.

Q How is that? A They was born at old Dr. Thornton's in Going Snake District.

Q I say where were your young ones born? A I didn't have but one younger one, he was born in Kansas.

Q When was he born? A He was born way last of '67 I think, I don't remember exactly.

Q Which one is that? A That's Freddie, my boy.

Q When were you in Kansas? A Me?

Rhoda Thornton 3

- Q In '67 too? A I was there for a short while ~~while~~ while my child was born, I was at my mother's.
- Q Was your mother in Kansas at that time? A She was in Kansas, yes sir.
- Q Well now then since that time after you left Reuben Tyner, - did you say Reuben Tyner? A Nathan Tyner we called him, he goes by Nathan Duffin now.
- Q Since you left Nathan Tyner where did you go? A I lived with them until I rented my farm and when I rented a farm I lived on that.
- Q Have you a farm of your own now? A Yes sir.
- Q Where at? A About 6 or 7 miles North of Chelsea.
- Q How long have you had it? A I guess about between 6 and 7 years.
- BY MR. HASTINGS, Cherokee Rep'ive:
- Q How far from the Arkansas line did you live at the time the war come up? A It must have been about two miles and a half or three miles; you mean when I lived where my master was? A X
- Q Yes sir? How far was that from Dutch Mills? A I guess two or three miles.
- Q Did you live west of Dutch Mills? A I can't tell you.
- Q Was it north or south or east, or do you know? A I do not.
- Q That was your trading point? A Yes sir.
- Q You know the direction you went to town? A I know the directions they went to town, but I don't know.
- Q What direction did they go? A I just know the road that went over the hill.
- Q How old are you now? A I am about 66.
- Q You was about 26 when the war come up? A Yes sir, I was the mother of three children.
- Q Were they all born on that place? A Yes sir.
- Q What was Dr. Thornton's wife named? A Frankie.
- Q Did they have any children? A Yes sir.
- Q What were their names? A They had three, Miss Martha and John and Walter.
- Q At the time you left home? A Yes sir.
- Q How long did you live with him? A He bought me when I was about 13 years old.
- Q You lived with him and was freed up or him? A Yes sir, I was the last slave that left that place, and wouldn't have left them him then but I was took away.
- Q What kind of a house did Dr. Thornton live in? A Long ~~wide~~ wide house, and porch between it you know.
- Q Double log house? A No I think it was a frame, it was celled inside; I am not sure whether it was log outside or not.
- Q Did you get water out of a well or a spring? A Spring.
- Q What direction from your place was Barron Fork? A I don't know.
- Q You don't know whether you were living north or south of Barron Fork? A No sir, I do not, but he had a saw mill down on Barron Fork.
- Q About what aged man was Dr. Thornton when the war come up? A He was quite an old man, he was quite gray; he used to be clerk of the court.
- Q What were some of the neighbors there? A Mr. Wofford and Cornelius Wright.
- Q Did you know Jack Alberty before the war? A Yes sir, he was ~~right~~ my master's brother, you know there are so many Jack's, but she had a brother Jack, you ought to make some distinction between the Jacks, you know.
- Q He was a grown man at that time? A He was quite a tall man, he wasn't so old, dark eyes and hair, hair about the color of yours.
- Q How far did he live from Mrs. Thornton's at that time? A He must have lived as near as I can guess about 7 or 8 miles.
- Q You saw him frequently? A Yes sir, he was there on the place often.

Rhoda Thornton 4

- Q You stayed there until the war come up and then you went out to Cane Hill? A Yes sir, I stayed until the war come up, and we was all to come there, Major Willett sent some scouts down there and took me and I cooked for him.
- Q Where did you live at Ft. Gibson? A I lived in a little shanty.
- Q Who did you live with? A Irvin and Gilbert Vann boarded with me, and I washed for the soldiers, and I cooked for Col. Phillips quite awhile.
- Q Where did you go from there? A When I left there I don't- I went to Nathan Tyner's on Big Creek.
- Q Did you have a husband at that time? A No sir.
- Q Did you ever marry the father of Fred? A No sir.
- Q You never married him? A We just lived tog ther.
- Q Did you lived with the father of Fred as your husband? A Yes sir
- Q What was his name? A I never did tell his name.
- Q But you ~~married~~ lived with him as your husband? A Yes sir.
- Q How long did you live with him as your husband? A No?
- Q Yes? A I ~~married~~ lived with him I guess until he died.
- Q Well about how many years? A Well about 6 or 7 years.
- Q Keep house together? A No?
- Q Yes? A No sir.
- Q You never kept house with him? A No sir, I worked for him and that was all; the truth is the truth.
- Q You say Fred was born in Kansas? A Yes sir, because I went up to my mother's.
- Q You lived with Fred's father up there in Kansas? A No sir.
- Q Where did you live with him at? A What did you say?
- Q Where did you live with his father at? A In the Cherokee Nation.
- Q On Big Creek? A No sir, down about Ft. Gibson.
- Q You went up to uncle Nathan Duffin's from Ft. Gibson? A Yes sir.
- Q What time in the year was that? A I don't know just what time of the year, it must have been along, it was kind of cold weather.
- Q What year wasit? A I don't know sir exactly what year it was, but when I left Ft. Gibson it must have been along up in '67 or '88 when I left Ft. Gibson you know, because I stayed around Ft. Gibson I cooked there for Col. Phillips quite awhile and that was along you know in '65.
- Q Have you got a very distinct idea about dates? A No sir, I haven't.
- Q Your memory is faulty about dates? A Yes sir, and names I can't remember hardly at all these late days; ~~xx~~ ~~xxx~~ I am telling you the truth gentlemen as near as I can tell it to you.
- Q What was your mother's name? A Darkus Downing.
- Q Did she live over there with your master before the war? A No sir.
- Q Where did she live? A In Mound City, Kansas; she never come to the Nation at all; the only way I belong to the Nation I was sold to the Nation.
- Q Who sold you to Dr. Thornton? A Old Dr. Richard Williams.
- Q You went to your mother's and there Fred was born? A Yes sir, in Linn County, Kansas, because I ~~was~~ was a widow and had to go up there.
- Q How long before Fred was born that you went up there? A I don't know, it was over a month.
- Q About how old is Freddie now? A Freddie is about 32 I guess, 31 or 2, I really don't know their ag's exactly.
- Q What were the members of uncle Nathan Duffin or Tyner's family when you first went up there? A One George Duffin, they go by the name of Duffin now, and Josh was the re.
- Q What was his wife's name at that time? A I think Fanny; they belonged to the same man I did.
- Q Did you know Lewis Wright, or Whitwire, before the war? A Yes sir,

Rhoda Thornton 8

- I knew him, well.
- Q Did you know Rufus Miller before the war? A Yes sir, because my master was their family doctor. They lived in about two miles ~~from~~ ~~the~~ ~~place~~ ~~of~~ ~~our~~ ~~house~~.
- Q You brought Freddie back down here when he was a baby? A Yes sir, he was quite small.
- Q What place did you go to then? A Uncle Nathan Tyner; we call him Tyner, but he changed his name; go now by Duffin.
- Q How long did you live there right then when you first came back there? A Please your Honor, Mr. Hastings, I can't tell exactly.
- Q Well, your best judgment? A I must have stayed there 6 or 8 months before I went to work.
- Q Then where did you go to work? A I went up there to Coffeyville and worked a little while, ~~and~~ not Coffeyville, ~~because~~ I will tell you the place in a minute, - Ft. Scott.
- Q Did you have your children with you? A Me?
- Q Yes? A I took my two girls to my mother's and then I went to Ft. Scott.
- Q And your mother lived at Mound City, Kansas? A Yes sir, she ~~is~~ lived and died there; her and my father both.
- Q Have you ever been married since? A No sir, I have never been married since the war.
- Q After you worked at Ft. Scott Kansas where did you go? A Me?
- Q Yes? A I come back to the Nation.
- Q At what place? A To Aunt Sukey Naves.
- Q On Big Creek? A Yes sir.
- Q How long did you stay there? A I stayed at aunt Sukey's I guess, but I don't know, I guess I don't know just how long.
- Q Well, your best judgment? A Well I must have stayed there as much as a month or two; I would stay first at one of them places and another, and when I could get work to do I would do it.
- Q Worked in Kansas? A Yes, and around, I got washing to do there and so on.
- Q Nothing but colored people to work for there? A No sir, but when I could work for a little piece of meat I did.
- Q When did you ever keep house in the Cherokee Nation? A I have been running a farm for I don't know how long in the Nation.
- Q ~~How~~ ~~about~~ ~~how~~ ~~long~~? A I stayed on the farm down on Big Creek four or five years.
- Q Was that four or five years ago? A Which?
- Q When you commenced living on the farm, about how many years ago when you commenced keeping house and living on a farm? A Well let me think Mr. Hastings, I suppose this is Mr. Hastings?
- Q Yes, that's who it is? A I rented the Johnson farm, and I think I lived there four years.
- Q How long since you commenced keeping house for yourself?
- A I stayed on the Andy Johnson farm for about I guess about three or four years, you know, and I kept house there.
- Q When did you commence doing that, how many years ago was it when you commenced doing that? A I see what you are trying to get out, and that's what I am trying to tell you, yes; how many years ~~ago~~ ~~ago~~ ~~ago~~ ~~ago~~ ~~ago~~ ~~ago~~ ~~ago~~ ~~ago~~ ~~ago~~ ~~ago~~ ago has that been? A
- Q Yes? A I was there on that farm quite awhile before the Wallace roll, and I made a kind of farm of my own.
- Q Wallace roll was made in 1889, how long before that did you commence keeping house? A I must have been there two or three years before the Wallace roll.
- Q Up to '86 or '7 you hadn't kept house in the Cherokee Nation?
- A Not to say particular, you know, because I was, ~~I don't know~~ a widow woman and I had to work to get money enough to make a farm and save all my, - and I had to take care of my children.
- Q When did you come back from Deaver, Colorado? A When I went to

Denver I didn't ~~xx~~ stay there very long.

Q You haven't told that before? A Well you didn't ask me.

Q I am trying to get that from you now? You did go to Denver, Colorado? A Yes sir, I went to Denver, Colorado.

Q Now commence and tell us all about it, what you know of your whereabouts, that's what we are trying to get at? A If I was to undertake to tell you of my whereabouts I couldn't tell you, when I went out there I went to cook for some people.

Q When did you go? A I don't know exactly what year it was.

Q About how long after the war? A Well it was quite awhile, Freddie was plenty big for me to leave him and I went out there and cooked out there, and stayed out there about 6 or 8 months and cooked.

Q You didn't take your family? A No sir.

Q None of your family taken with you? A No sir.

Q Where was Freddie in the meantime? A He was with his sisters, his sisters stayed mostly with their father's, down here on Big Creek.

Q You know Albert Morris? A Yes sir, I know Mr. Morris, at least I wouldn't know Mr. Morris if I was to see him ~~xxx~~ on the road.

Q You know William Noble? A Yes sir.

Q Did you ever keep house near them? A I think it was about a mile from Mr. Morris and three or four from Mr. Noble's, that's what they call it, but I never was in Mr. Noble's yard or Mr. Morris' Yard, because I would keep house and my daughters went out and worked on the farm.

Q When did you commence keeping house on the farm? A I can't tell you exactly.

RUFUS MILLER, being sworn by Con'r Needles, testified as follows:

BY MR. SMITH:

Q What is your name? A Rufus Miller.

Q How old are you, Mr. Miller? A I am some where betwix 53 and 54 I expect, I don't know my age just exactly what I am.

Q Where do you live? A I live at Centralia.

Q How long have you lived in the Cherokee nation? A All my life.

Q Are you a Cherokee Indian? A Yes sir.

Q Do you know this applicant, Rhoda Thornton? A Yes sir.

Q How long have you known her? A I have knowed her ever since I was a child.

Q You know who she belonged to? A Yes sir.

Q Who? A Dr. Thornton.

Q Was he a Cherokee Indian? A Yes sir.

Q Citizen of the Cherokee nation? A Yes sir.

Q Where did he live before the war? A He lived about three miles west of a little town they called Dutch Town, over next to Evansville.

Q You know where Rhoda Thornton was at the time the war commenced? A Yes sir.

Q Where? A At Dr. Thornton's.

Q Did she have any children at that time? A Yes sir, she had two.

Q You know what their names was? A Believe one was named Mary Ellen and I believe the other one was named Lottie or some thing.

Q Where were you during the war? A I went south.

Q What time did you get back? A I got back Christmas, Eve, '65.

Q Do you know when Rhoda Thornton first went to the Cherokee nation after the war? A She wasn't out of here at ~~the~~ the close of the war, she went out after the war.

Q Where was she when the war closed? A At Ft. Gibson.

Q Where was she in the year '66? A She was at Ft. Gibson.

Rhoda Thornton 7

- Q You know where she lives now? A No I don't know where she lives now; I did ~~xa~~ know where she lives, she threwed me off of her place here a little bit ago; lived down here on Pryor's Creek.
- Q Near what town? A Chelsea.
- Q Well since you knew her in '66 at Ft. Gibson have you seen her often? A No sir, I aint seen her often; she left there some time in '66 along in the fall, and I don't know where she went; I never saw her then until about 6 or 8 years ago.
- Q Where did you see her then about 6 or 8 years ago? A Down here to Pryor's Creek.
- Q Near what place? A Near Chelsea there, where she is living now, first time I saw her down here at Hayden and the next time I saw her at the other place.
- Q How long have you lived in the neighborhood where you live now? A I have lived there about 6 years I reckon.
- Q How long after '66 did you live down in that part of the Cherokee Nation? A I left Ft. Gibson about '74.
- Q Where did you go to? A I went to Flint district.
- Q Near what place? A Near Evansville.
- Q When did you get up in this part of the country? A I come up here in '81.
- Q What place did you come then? A Come to Vinita.
- Q And then some years before that you saw this woman over about Chelsea? A No, when I went from Vinita I went to Grand river, and lived 17 years, and came to this place and the first time I saw Rhoda was that Lightning Creek payment, and the next place I saw her at home.
- Q When you were living on Grand river how far were you from Chelsea? A 25 or 30 miles, maybe 35 miles, I don't know just how far it is.
- Q When she was back here in Ft. Gibson in '66 you know where her children was that you have mentioned? A She had them with her I guess, I wasn't down at the house, she said she had them with her.
- BY MR. HASTINGS:
- Q How far did you live from her before the war? A About a mile and three quarters.
- Q What direction from Thornton? A South.
- Q How old were you when the war come up? A I was 11 or 12 years old.
- Q How old was her oldest child? A Her oldest child was up somewhere about that high, (indicating).
- Q Three or four years old? A Yes sir, maybe a little older.
- Q How old was the next one? A Next one was tolerable small.
- Q Did she only have the two? A Just had the two.
- Q She had no husband there? A No sir, her husband went off in the war.
- Q What was his name? A Mike Whitnire.
- Q You was in Ft. Gibson and saw her down there? A Yes sir.
- Q What was she doing? A When I first saw her she was cooking for Col. Phillips.
- Q You haven't s on her since that time until the Lightning Creek Payment? A Not since the later part of '66, until the Lightning Creek Payment? A No sir.
- Q Were you ever tried in the courts for anything? A Oh yes.
- Q What for? A They tried me for larseny.
- Q Were you convicted? A Yes sir.

LESTER FOREMAN, being sworn by Con'r Needles, testified as follows:

BY MR. SMITH:

- Q What is your name? A Luster Foreman.

Rhoda Thornton 8

Q How old are you? A About 50 or 60, I don't know which.

Q Do you know this applicant, Rhoda Thornton? A Yes sir.

Q How long have you known her? A I got acquainted with her during the war.

Q Where? A I got acquainted with her first place I saw her at Cane Hill.

Q Where did you next see her ~~where~~ after that? A In Ft. Gibson.

Q When you saw her at Cane Hill was that before the war or during the war or after the war? A During the war.

Q When you saw her next after seeing her at Cane Hill was at Ft. Gibson? A Yes sir, at Ft. Gibson.

Q When you next saw her at Ft. Gibson was that during the war or after the war was over? A Well when I saw her first she come down from Cane Hill to Ft. Gibson.

Q When was that now? A That was in during the war.

Q How long did she stay about Ft. Gibson? A She stayed there to my best judgment until about '67, to my best knowledge.

Q Where was she during the year 1866? A She was there.

Q Where? A Ft. Gibson.

Q In the Cherokee nation? A Yes sir.

Q Did you know her before the war? A No sir.

Q When she came there before the war was over at the time you speak about did she have any children? A Yes sir, she had a couple of little girls.

Q When did you next see her after ~~that~~ she left Ft. Gibson at that time? A I didn't see her any more until I come up here in Vinita.

Q Until you left Ft. Gibson? A Yes sir, until I come up here in Vinita, I met her again.

Q Where did you see her then? A In Vinita.

Q When? A I don't know exactly how long that's been, about 10 years ago or 12, 10 years ago I guess.

Q Did you live at Ft. Gibson until that time? A No sir, I lived there until about '75, and went into Canadian District.

Q You say you left Ft. Gibson in '75? A Yes sir, as near as I can remember.

Q And went to live in what part of the nation? A In Canadian District.

Q When how long ago was it you lived in this section of the country?

A I ~~was~~ lived up there about 15 years.

Q About how long ago was it before you got up in this part of the country? A I disremember, about 15 years I reckon, as near as I can think of it.

Q When she left Ft. Gibson do you know where she went to? A No sir.

BY MR. HASTINGS:

Q Who did she live with at Ft. Gibson? A She hired out, working out.

Q How many children did she have when ~~she~~ you saw her there after the war? A She had the same two children I found her with, she had two children all along that I know of.

Q About how old was the oldest child when you first saw her? A I don't know, I couldn't tell you.

Q As much as 15 years of age? A No, I don't think she was that old; good sized little girls. (indicating.)

Q Your best judgment as to the age of the oldest one? A I could not tell you.

Q Your best judgment as to the age of the next one? A I couldn't tell you as to that; there was two little girls; one a little bigger than the other one.

Q You can't tell anything about the age at all? A No sir, I couldn't tell anything about the age of the person, I was about 20 years old and I wasn't no more than about that high I reckon, (indicating.)

Rhoda Thornton 9

Q How old were they when you saw them at Ft. Gibson, were they grown at that time? A No, just small girls, come down from Cane Hill, and stayed there until about '67; she worked in the garrison there for those officers.

Q Where did she go from there? A I don't know; I don't know when she went away.

Q You keep up pretty well with these colored people? A Not much; I always make it a rule to attend to my business.

Q You never met this woman until about 10 years ago, in Vinita?

A I didn't see her no more after Gibson until I met her in Vinita.

Q Was she keeping house in Ft. Gibson? A I don't know; she worked out for some major up there, worked up in the garrison most of the time.

Q What was she doing in Vinita? When you saw her there? A Nothing particular, no more than I met her there.

Q She wasn't living there? A Not as I know of.

Q You don't know where she has lived in the meantime? A No sir.

Q Don't know where she has been in Kansas or Colorado or where?

A No sir, I don't know anything about where she has been.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Lewis Whitmire.

Q Do you know this applicant, Rhoda Thornton? A Yes sir.

Q How long have you lived in the Cherokee Nation? A Well I have lived in here all my life.

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

Q Are you on the 1880 roll? A Yes sir.

Q How long have you known this applicant? A Yes sir.

Q How long have you known him? A Ever since we was young folks.

Q Did you know her before the war? A Yes sir.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A Dr. John Thornton.

Q Was he an Indian? A Yes sir.

Q Cherokee Indian? A Yes sir.

Q Where was he living when the war commenced? A In Gairsnole.

Q How far was that from where you lived? A About 5 miles.

Q You know whether Rhoda had any children or not when the war commenced? A Yes she, she had two.

Q What were they, boys or girls? A Girls.

Q Where was Rhoda when the war commenced? A She was at home, when the war commenced.

Q Do you know what became of Rhoda Thornton during the war? A Yes sir, she went to Ft. Gibson after she left home where she lived.

Q When did you first see her after the war closed? A Why I saw her in Ft. Gibson in the summer of '66, last trip I made from Ft. Scott driving a Government team; that is the last place I saw her that was just before the war closed.

Q In the summer of '66? A Yes sir.

Q Where did you next see her after that? A Next place I saw her was up here on Big Creek.

Q When did you see her up on Big Creek? A It was along in the winter of '67, I don't know exactly what time, but it was either January or some where along in there; it was cold weather. Of '67? A Yes sir.

Q How long did she stay up there on Big Creek? A I don't know exactly, quite awhile I suppose; I was traveling around among them, there once in awhile, I didn't live there.

Q When did you next see her after that? A Every once in a while up until now I see her every once in a while all along every month or two; she was a widow woman and working about, and I didn't see her every time I went in among the people. I didn't see her every

time, but I have known her ever since that time, around about in the Nation, working about.

Q You know where she lives now? A Yes sir.

Q You know how long she has lived there? A I don't remember exactly how long she has been living where she lives now, but it has been three or four years, I guess.

Q You know where she was living before she went to live at the place she now lives? A No sir, I don't.

BY R. WASTINGS:

Q What was Dr. Thornton's wife's name? A Frankie Alberty, before he married her.

Q She a sister of Jack Alberty's? A Yes sir.

Q How far did Jack Alberty live from there at that time? A About seven miles, I think it was.

Q Did she have some more brothers over there, Mrs. Thornton?

A Yes sir, had Neal and Jess.

Q I would like to ask you if Thornton had any other slaves? A Yes sir, he had several other slaves, several others, I couldn't tell their names unless I studied awhile.

Q You don't know the names of them? A I know there's Butler Duffin, he was born a slave, and his mother and two girls and another brother names Josh; they are along in the country now, but I don't see them only once in awhile like I have been seeing this woman.

Q How old were her children during the war when you saw them first?

A Youngest about that high (indicating, and biggest about so (indicating)); I don't know how old they were.

Q Which one was the older one? A Mary Ellen.

Q You have seen Mary Ellen and the other one ever since? A Yes sir, once in a while.

Q What were you doing at Ft. Gibson when you saw her there? A I was driving a Government team, hauling provisions there.

Q War hadn't closed? A No sir. Q That's the last time you saw her at Ft. Gibson? A Yes sir.

Q And you were there directly after that? A Not directly after that, but I was there in '68 after that.

Q At whose place did you see this woman up here? A It was at Mike Whitmire's; they didn't have no house there, they was camped and working trying to build a house.

Q Where is the first place you ever saw this woman keeping house up here? A Up here on Big Creek.

Q How long ago was that? A I don't know exactly how long ago that has been, but the first place I saw her up on Big Creek was at this George Duffin's; she was living George Duffin and his father.

Q How long did she stay there? A That was in '67 or '68; she had her children there and she was working out.

Q Where was she working? A I don't know where she was working.

Q You didn't see her at that time, you just saw her children?

A I didn't see her at that time, but I saw her a short time after that time, and see her children; I don't know where she was working.

Q When did you next see her? A At Duffin's, she had been out working and come there where she left the children.

Q How many children did she have? A Two.

Q About how many years after the war was that? A About 2 years.

Q About how many years after the war did she commence keeping house up there? A I couldn't tell you that, I lost recollection of that.

Q She has been in Kansas hasn't she? A I don't know, I never did see her in Kansas.

Q You have missed her up here on the Big Creek neighborhood? A I missed her every once in a while, but I didn't know where she was.

Q You don't know who she worked for? A No sir.

Q And don't remember where she lived? A No sir. I know she stayed

Rhoda Thornton 11

around among the people there; she stayed some on Lightning, because we are all kin to her children.

Q You didn't testify for her before the Kerns-Clifton Commission did you? A No sir, this is the first time.

Q You didn't tell about her ownership then? A No sir, I don't know who did, I know very well who held her as a slave, because I stayed there about four years myself while she was there; that's the reason I know it so well.

Q You lived with Mr. Thornton? A I was hired to him when I was a young lad.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not identified thereon;
1830 authenticated roll of citizens of the Cherokee nation examined and applicant not found;
1896 census roll of citizens of the Cherokee nation examined and applicant not found;
Wallace roll of citizens of the Cherokee nation examined and applicant identified on
page 142 #2962 Rhoda Thornton, District given as "Colorado."

APPLICANT, RHODA THORNTON, re-called and further examined;

by COM'R NEEDLES:

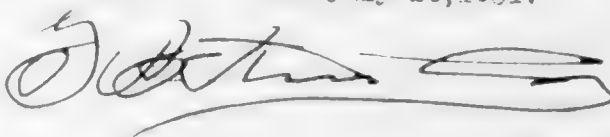
Q You didn't draw Strip money? A No sir.

Com'r Needles: Rhoda Thornton applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1830 or the census roll of 1896 or the Kern-Clifton pay roll, but is fully identified upon the Wallace roll according to page and number of the roll as indicated in the testimony; she swears that she was a slave, belonging to Dr. John Thornton, was in the Cherokee Nation during ~~and at~~ the war, and at Ft. Gibson in '66; she swears that since that time she has lived in the Cherokee Nation, that has been her home. For particulars as to her residence, reference is made to the testimony; the evidence is conclusive to the effect that she is a slave, and was in the Cherokee Nation at the time prescribed by the time prescribed by the Treaty of 1866; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission; she will be notified by mail of the action of the Commission in the premises.

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.

Subscribed and sworn to before me this July 15, 1901.

M.D. Green



Commissioner.

B

11.91.01

DEPARTMENT OF
COMMISSION TO THE

FILED
JUN 23 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *Jan 29 1862*
Post Office *Meridian*
District *...*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife *Enodia Thornton* Age *65*
Owner's name _____ Citizenship _____
Year *1862* Page *142* No. *2962* District ~~...~~

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- 3. Year _____ Page _____ No. _____ Dist. _____
- 4. Year _____ Page _____ No. _____ Dist. _____
- 5. Year _____ Page _____ No. _____ Dist. _____
- 6. Year _____ Page _____ No. _____ Dist. _____
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

Done & signed

Application made by *...* Stenographer *M. S. Hill*

Represented by Mellette and Smith.

1000



COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 11, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of W. H. H. H. H. H. H. for en-
rollment as Cherokee Freedmen.

Cherokee Freedmen *[initials]*

Mellott S. Smith
Attys for applicant

D

F10966

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the within notice on

by delivering a true copy thereof on the day of A. D. 190

Given under my hand this day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of **SEP 23 1901** 1901
McClatch & 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

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

**FILED
SEP 25 1901**

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Rhoda Thornton
for enrollment as Cherokee citizens:

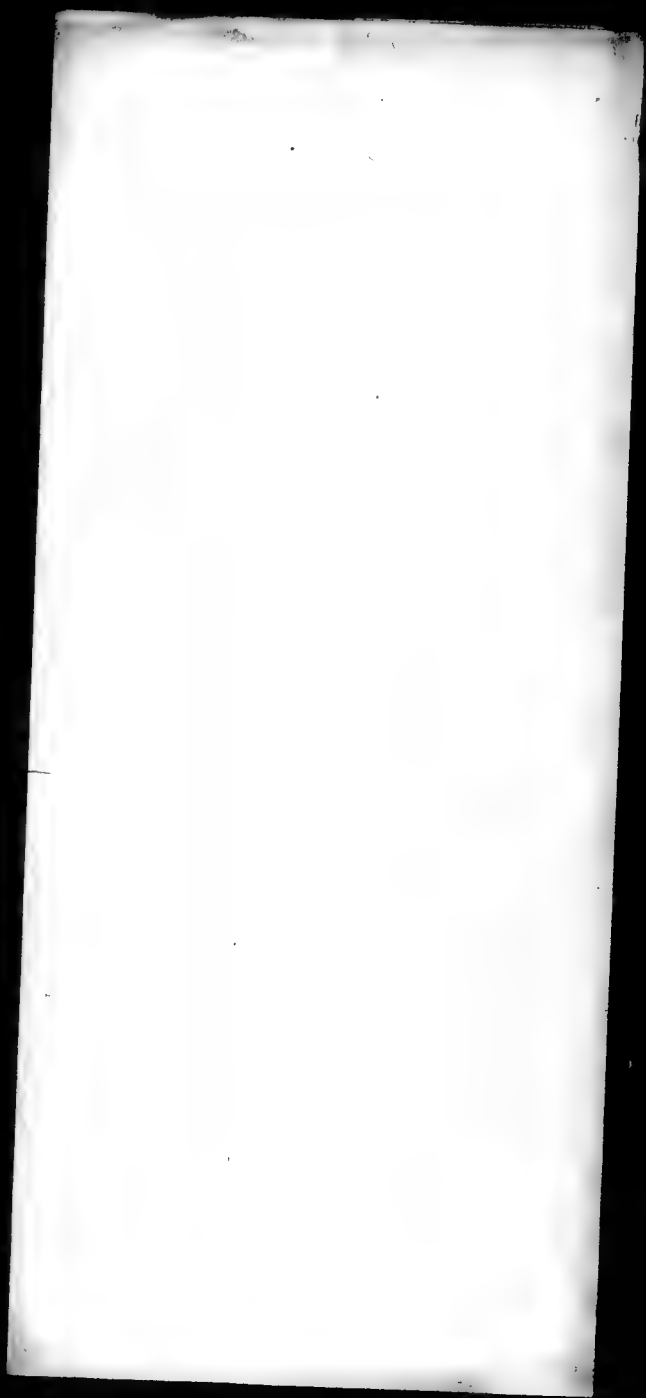
Case No. D 966

To .. Rhoda Thornton or Mellette & Smith her Attys.

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 Vinita Indian Territory, on Oct. 25th 1901 3 O'Clock P.M. 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 SEP 21 1901

.....
M. W. Hastings
Attorneys for the Cherokee Nation.



NOTICE.

In the Matter of the application of Rhoda Thornton.

for enrollment as Cherokee citizens:

To Rhoda Thornton, or Mellette & Smith her attorneys,

Vinita, I. T.

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, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May, 27,**, A. D. 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 at Muskogee, Indian Territory, this **May, 24, 1902.**

No. F D 966.

L. B. Bell
W. W. Hastings
Jas. Sampson
Attorneys for the Cherokee Nation.

F. D-966.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Rhoda Thornton for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-966.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in the case of Freedman Doubtful 818, also in the case of Freedman Doubtful 505, be introduced into and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reason that the same was not taken with reference to this case, and not under any rule of this Commission with regard to notice and cross-examination, and because the same is incompetent in the manner and form offered, and because it is immaterial and does not tend to prove any issue in this case, and because it is not the best evidence, and because it is hearsay.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Charlotte Henry, D-968, as well as in the case of Rhoda Thornton, D-966, the same being the case at bar. The applicant in the above cases are represented by Mellette & Smith.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 7th day of July, 1902.

W. W. Hastings

W. W. Hastings
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902,

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tend to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commissioner during the usual business hours.

Cherokee Nation represented by its representative L. B. Bell.

G. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

BY BELL:

- Q Tell him your name? A G. V. Rogers.
- Q Age? A 33 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 33 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Tell what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sodalina and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Coles Snake District.
- Q Do you know what particular Whitire he belonged?
- A I don't remember whether he belonged to George Whitire or Leo Whitire.
- Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '66; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 25 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I know in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or 26 wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

- Q How far is on the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitire you met and talked with is the same one you knew in Going Snake and belonged to the Whitir family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you know? A I think Aaron Whitire and Moses Whitire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitire lives now, Moses Whitire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

- Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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

(Signed) J. O. Rossen.

Stenographer.

F. D. 018.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1908.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1908 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Pocket of the Chambers com'n on citizenship," as follows:

"No. 85 Edward Wright
vs
Cherokee Nation. (Ex. 7th of June.
(Answer filed.)

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 88. Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed
on the 26 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship to the Cherokee Nation by Lewis Whitman on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1878," as follows:

"Before the Commission sitting at Tahlequah to review claims to Cherokee citizenship

The undersigned claimant in the case of
Lewis Whitman

vs

Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.

June 26, 1878.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aeron Whitmire)
vs)
Cherokee Nation.) Tahlequah,
July 3, 1878.

Nike Fields a witness for claimant called and sworn.
I am I think I am about 47 years old. I live in Illinois District, C. I. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

As a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kans when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Hose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to look to claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claimant said I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1869. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Baldy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left there there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me so could read.

I do not know myself what it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire)
vs) August 1, 1878.
Cherokee Nation.) Bluebird Alberty, witness for claimant,
called and sworn.

I reside in Cooweescoowee District, C. H. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District.

on the 3rd of September, 1866. I had occasion some time in the line of Oct., or the first of Nov, or probably it might have been late as the middle of November, to go to the Verdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Salt Crouches. I did not go to the camp. They were colored people. I know most of them. Their names were old man, Webber, Aaron Whitire, and younger brother and Lewis Whitire.

There was another person whom I was told was a Landman. I do not recollect any of the others and can not identify them. The white man was Johnson or George Whitire, Aaron, Lewis and the other belonged to George. In conversation with the white man I asked if I know anything about the treaty and if Jim Hornsby had not done. I told him I did not know the treaty but had heard rumors about it. He told me they had come to pick themselves holes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son Sam to work for him and take him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condensed flour at Gibson and if they could go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build their homes and go South. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I do not very cold weather at the time. I recollect as I carried out at night. Did not see any of these parties after this first day, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare for or for themselves or families. They told me at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after that some of them went back to Kansas. At the time I saw them I do not know whether their families were with them. I think I saw Dennis Whitire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitire boys. They were owned in the Nation and worked here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with no men and still lives in my family. Jack Landman was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Case No. 1111.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Leigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't make say any others. Witness was born of family in 1868 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, M. Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back in January 1868 to Kansas after coming to the Nation. When we returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Leigs and the families of those who had families all came and did besides others not particularly remembered. This was the first time any of our families returned to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire came in the Nation after the war closed was after our parties returned as families in 1867.

The first time Major Wright came to the Nation on our first trip in 1866. Melissa Ratliff was born in 1866 until she became out of war. She first came in 1867. John Leigins was born in 1866. He was a slave at the beginning of the war. I was present during the expropriation of the property of the slaves in this case.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, was present on the first trip in 1866. Witness is about 43 years old. Major Wright was an officer at the close of the war. He has since returned back to the Nation before 1866.

Attest
D. L. Nicholson, Clerk.
Dennis Whitmire.

Aaron Whitmire & Family)
vs) Case 1111.
Cherokee Nation.) Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Gen. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to on the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and in attention he was obliged to bestow upon his family to permit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he required labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the limits provided for by treaty, in that having no residence to which to go other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitwire,
By Atty. Wm. P. Bourdette.

Aaron Whitwire
vs
Cherokee Nation.

August 1st, 1868.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowas, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitwire, Peter Moigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs)
Cherokee Nation.)

July 4th 1870.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest: Wm. McCracken.

D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmore in the name of the other man, I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitmore at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by their own hands since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in that neighborhood at what time spoken of.

"Continued on page 283."

Aaron Whitmore et al)

July 1st 1878.

vs

Cherokee Nation.)

John Riley,

sworn as witness for Deft. I live in Coopersacoves Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1861 to the Nation. I knew Aaron Whitmore. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Peter Reigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who come in Sept. '66 for that purpose. I knew where Aaron Whitmore lived at this time. I was near Cobdy's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Albert being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmore was not along but Mike Sanders, Sam Webber, Gilbert & perhaps Billy Foreman. Moses was not along. Parris was not along as I know of nor Mariah nor Major Fright nor Nelson Whitmore that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley,

Randolph Riley..

(page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Plaintiff and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegation and was Agent afterwards.

B. W. Alberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitire)
vs)
Cherokee Nation.)

Tahlequah May 10, 1868.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of plaintiff contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1868.

(SEAL)

(Signed) P. G. Peuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1868.

Bruce C. Jones
Notary Public.

To be filed with F.D-966 (Rheda Thornton)

F.D

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5th, 1901.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee Freedman; said Duffin being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A George B. Duffin.
Q How old are you? A I was born in '51.
Q Well, how old would that make you? A 49 I guess, about 49.
Q What is your postoffice? A Wimer.
Q What district do you live in? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities?
A I have been voting and issuing permits.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A It is on the Kern- and Wallace roll.
Q Who do you want to enroll? A None but myself.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir.
Q What is your mother's name? A Frances Duffin.
Q Is she living? A No, sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of applicant not found thereon.

The Kern-Clifften roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 182, #4486, Geo. B. Duffin, Coowescoowee District.

The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 110, #2345, George B. Duffin, Coowescoowee District.

- Q Were you a slave, Mr. Duffin, before the war? A Yes, sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Fort Scott, Kansas.
Q Who took you out? A The United States troops.
Q Were you a soldier? A Yes, sir; I was a child.
Q When did you return to the Cherokee Nation? A In the summer or fall of '66.
Q Where did you come to? A Big Creek.
Q Have you been living in the Cherokee Nation ever since that time? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q You say you have voted in the Cherokee Nation? A Yes, sir.
Q Had permits issued to you? A Yes, sir.
Q Who did you return with? A Just the family, we came down, father come down in the summer of '66, with quite a troop of them and selected his home and he went back and sold his crop that fall and come down and arrived on Big Creek in the fall or November of '66.
Q Who did you say your owner was? A Doctor John Thornton.
Q Did he own your father and mother? A No, sir.
Q Whom did they belong to? A He owned mother.

Did your father and mother return with you? A Yes, sir, and four children.

Q They are both dead, are they? A Yes, sir.

BY W. W. HASTINGS: Cherokee Representative:

Q What was your mother's name? A Frances Duffin.

Q Do you sometimes go by the name of George Keys? A No, sir.

Q You have a sister by that name? A Eliza Keyes.

Q You have another sister, Sarah Moss? A Yes, sir.

Q When you came back you come to Big Creek? A Yes, sir, when we moved.

Q What part of Big Creek was it? A Near the head of Big Creek, near about eight miles from the Kansas line.

Q How far is that from Snow Creek? A About ten miles, east ten or 12 miles.

Q Any other family come with you except yours? A No other family.

Q You come right there and located first? A Yes, sir.

Q Who was living around there at the time? A On Big Creek?

Q Yes. A Well, there was Andy Dougherty.

Q Was he a Freedman? A Yes, sir; Daniel Sanders, Mike Sanders and Sam Webber.

Q They were all living on Big Creek, were they? A Yes, sir; some of them in houses and some of them partly in tents and so forth.

Q They had come before you? A Yes, sir.

Q Had they made a crop there that year? A They had some little patches killed out.

Q Had corn in them? A They had gathered what corn they had, it was in November when I got there.

Q Did you know Jim Martin? A Did I know him?

Q Yes. A Yes, sir.

Q How far do you live from him? A I live about 12 miles from where he lives.

Q Do you know William Noble? A Yes, sir.

Q Where did he live? A He lives about four miles now.

Q How long has he lived there? A I got acquainted with him in November in the fall of '70.

Q He was not there then? A No, sir, the place he lives on now was made by Decter Brown.

Q Was any Cherokees living near that place when you come?

A Yes, sir.

Q From what place in Kansas did you come? A Anderson County.

Q What point? A Near Garney.

Q Did you come by way of Chetopa? A Yes, sir.

Q Through what other towns did you pass? A In our coming.

Q Yes. A We came down through a little town that was called Osage Agency I think; that is about the only town I remember of; we came through several towns, but we came through what is known as the Osage Nation or the Osage Mission, I don't remember now; I remember there was an Osage to it/

Q Did you pass by any Cherokee houses in the Cherokee Nation?

A No, sir.

Q Didn't see any at all? A No, sir; never seen a house after we left the little village of Chetopa until I came down to Big Creek.

Q You come by way of Chetopa and then turned west?

A Yes, sir.

Permission is granted Mr. Edgar Smith to interrogate the applicant:

- Q You state Eliza Keyes was your sister? A Yes, sir.
Q And what is your other sister's name? A Sarah Mess.
Q Who was with you when you came back from Kansas? A Just two wagons, the family.
Q Well, state who was in the family? A My father, mother, brother and two sisters.
Q What are your two sisters' names? A Sarah and Eliza and Joshua.
Q Was Sarah or Eliza older than you? A They are younger.
Q To whom did they belong? A The same man, Doctor Thornton.
Q Did they go out with you? A Yes, sir.
Q Come back with you? A Yes, sir.
Q When do you say they came back into the Nation after the war? A In the fall of '66.
Q Where did they take up their residence; where did they live after they came back here in the fall of '66? A They lived until they became women in the house with us and Sarah lived with us part of the time; two of her children were born right in father's house.
Q Those two sisters you have named lived with you and your father? A Yes, sir.
Q Where was your father's house? A About eight miles from the Cherokee line on Big Creek.

BY W. W. HASTINGS:

- Q Were these girls married when you come down here? A They was quite small, small children.
Q Have you ever worked in Kansas after you came down here? A Yes, sir, I have been working a great deal from '87, I travelled in the Ministry.
Q Are you married? A No, sir.
Q Where were you traveling in the Ministry? A All through this Nation and in Kansas, in Arkansas, until '84, father was taken sick and I was going to school.
Q Where? A Baker University, in Kansas.
Q You remember the Osage Mission? A Yes, sir.
Q You remember Chetopa? A Yes, sir; that is, what there was of Chetopa, you know there was not much of Chetopa; there wasn't but one or two stores.
Q I know it was not named until '67? A I think it was there.

BY COM'R NEEDLES:

- Q Do you own any improvements in the Cherokee Nation?
A Yes, sir.

BY W. W. HASTINGS:

- Q You knew that you were not a recognized citizen of the Cherokee Nation? A Well, I don't know.
Q You knew the Cherokees didn't recognize you? A Yes, sir.
Q What did you make your home for when you knew they didn't recognize you? A I knew I wasn't a citizen if I come by the Cherokees' recognition.
Q You then went out on the Public Domain and took a home?
A Yes, sir.

COM'R NEEDLES:

Q Do you know the reason your name is not on the 1880 roll, Mr. Duffin? A He, sir; in 1880 the census taker came to my father's house and eat supper and breakfast and the next morning them taken all of our names and I don't know what they done with them.

BY MR. W. W. HASTINGS:

Q What was their names? A I don't know; I didn't know any Indians then only those down in Geingsnake District, where I was bred and born.

BY MR. SMITH:

Q You spoke of Chetopa having one or two stores; do you know whether it was named at that time or not? A No, I don't.

Q You had reference to the place? A Yes.

BY MR. HASTINGS:

Q You heard me say that it wasn't named since you give the other testimony, didn't you?

A I don't remember what you said in that regard.

COM'R NEEDLES:

Q Now, Mr. Duffin, you passed by the place that is now called Chetopa, didn't you? A Yes, sir.

Q How old were you when you passed by there? A Well I guess I was about 14; I think I was 14 when we came to the Nation.

BY MR. HASTINGS:

Q When did you first see Allen Lynch after the war, on Big Creek? A No, sir, I don't remember; I have knowed him nearly all my life.

ALLEN LYNCH, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Allen Lynch.

Q What is your postoffice? A Vinita.

Q How old are you, Mr. Lynch? A 61 years old.

Q Are you a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Name on the roll of 1880? A Yes, sir.

Q Do you know the applicant, George B. Duffin? A Yes, sir.

Q How long have you known him? A I have known him ever since he was a little boy.

Q Was he a slave? A Well, yes, sir; that is, his parents was.

Q Do you know to whom he belonged? A His father belonged to a man by the name of Tyner.

Q Do you know who his mother belonged to? A His mother belonged to Dr. Thornton.

Q Well now do you know whether the applicant was taken out of the Cherokee Nation during the war? A No, sir, I don't know.

Q Where did you first see him after the war? A The first time I saw him was down here.

Q Down where? A In the Nation.

Q Where? A I never seen this man until about '67 or '68.

- Q Did you see his father and mother before that? A Saw his father.
Q When? A Saw his father in October or September, '66.
Q Where was his father living then? A His father was living in Kansas and come down here and I saw him at Art Williams'.
Q Was any other man with him? A Not that I saw.
Q You don't know whether this applicant was here in 1866 or not?
A No, sir.
Q You know his father was? A Yes, sir.
Q Well, have you known him ever since? A Yes, sir.

BY MR. SMITH:

- Q Do you know Kliza Keys? A Yes, sir.
Q What kin is she to him? A Sister.
Q Do you know Sarah Moss? A Yes, sir.
Q When did you first see them after the war? A I never saw any of the family until they moved down except the old man until along in '67, somewhere along there.
Q Where were they living when you saw them? A They were living over on Big creek, and the old man come over there on Grand River and preached for us.
Q What year was that? A In '67 or '68, and along until he died.

BY MR. HASTINGS:

- Q Allen, do you draw a pension? A Yes, sir.
Q For a wound that was inflicted during the war? A Yes, sir.
Q On the point of the left shoulder? A Yes, sir.
Q Where was that wound inflicted? A At Honey Springs.
Q Down here? A Down in the Creek Nation.
Q What year? A '64 I believe, July 16th, I think that is the time.
Q Now where did you see this man Duffin over on the Grand River?
A At Art Williams' on Grand River.
Q Were they living over there? A No, sir, they were there looking around.
Q Did they go back to Kansas? A Yes, sir, they went back to Kansas.

FILMORE HICKS, being sworn and examined by Commissioner T.T. Needles, testified as follows:

- Q What is your name? A Filmore Hicks.
Q Postoffice? A Vinita.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know George B. Duffin, the applicant? A Yes, I am acquainted with him.
Q How long have you known him? A I don't know exactly how long; I have known him; I have known him 25 years I reckon.
Q Do you know whether he was a slave before the war? A No, sir, I don't.
Q Do you know whether he was taken out of the Cherokee Nation during the war? A No, sir.
Q When did you first see him after the war? A I met him about '73 or '74.
Q Did you know his father? A Yes, sir, I knew his father.
Q And his mother? A No, sir, I didn't know his mother.
Q Where did you first see his father after the war?
A On Grand River at Lynch's Prairie.
Q What year? A '66.

- Q Did he have his family with him? A No, sir.
Q Did you see any other members of his family, his sisters?
A In '66?
Q Yes? A No, sir.
Q Didn't see anybody but the old man? A No, sir.

BY MR. DUFFIN, the Applicant:

- Q I would like to ask Mr. Hicks before this Commission what was father's business down in '66? A Well I saw him up there at Lynch's and he was talking about looking out for places, him and Tom Mayfield together looking for locations.

BY MR. HASTINGS:

- Q He went back to Kansas? A I suppose so.

COM'R NEEDLES:

- Q How do you know? A I don't know.
Q Did you testify for Aaron Martin? A Yes, sir.
Q Anderson Lynch, commonly known as Crap Lynch, testified for him?
A No, sir, I don't think he did.
Q Didn't Aaron Martin promise to give you and Anderson Lynch a mule to testify for him? A Promised to pay.
Q What? A Yes, he paid us for it.
Q A Mule? A Yes, sir.
Q What is the mule worth? A I don't know.

BY COM'R NEEDLES:

- Q When was that? A When the Commission was at Vinita.
Q Well he was as good as his word and paid the mule did he?
A Yes, sir.

MOSES RILEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Moses Riley.
Q What is your age, Mr. Riley? A About 51.
Q Postoffice address? A Chelsea.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Well, do you know the applicant, George B. Duffin? A Yes, sir.
Q How long have you known him? A All my life, might near.
Q Was he a slave? A I never saw him when he was a slave, I saw his father.
Q His father was a slave, was he? A Yes, sir.
Q Do you know whether George was taken out of the Cherokee Nation during the war? A Yes, sir.
Q Where was he taken? A Kansas.
Q Who took him? A I don't know, sir, who took him.
Q You saw him in Kansas? A Yes, sir.
Q Did you know when he returned to the Cherokee Nation? A His father returned here in the fall of '66, or somewhere along about there.
Q Did his father have his family with him? A He didn't when I saw him.
Q You say his father didn't have his family with him? A No, sir, his father was at my father's house.
Q When did you first see George? A I knew George a little before Christmas.

- Q Little before Christmas? A Yes, sir.
Q What year? A The same winter.
Q The same winter that you saw his father in the summer? A No, sir, I saw his father, I never saw his father until the winter.
Q When did you see George? A I saw him the same winter, saw him on Big Creek.
Q Do you know whether that was '66 or '67? A Winter of '66.
Q Was his father keeping house there? A Yes, sir, his father was keeping house.
Q George was one of the children? A Yes, sir.
Q George was a minor; was he under 21? A Yes, sir.

BY W. W. HASTINGS:

- Q Mose, are you a son of Riley McNair? A I guess so, that is what I am claiming to be.
Q That is what you swore? A Yes, sir.
Q You are on a doubtful card yourself? A I expect so, I am not on the 1880.
Q You applied at Vinita and you know it? A Yes, sir.
Q Were you present the other day when Mrs. Martin Thompson testified in your case? A Yes, sir.
Q Where did you go when you returned to the Cherokee Nation yourself? A Returned to the old McNair place in Saline.
Q What time did you reach there? A In the fall, sir.
Q How old were you then? A I don't know, sir, how old I was.
Q Grown? A No, sir, I wasn't grown I know.
Q Just a boy? A Somewheres along between a boy and a lad.
Q Now, how far is Grand River from Big Creek? A Yes, sir.
Q From where you lived on Grand River to where this man lived on Big Creek? A I expect it must have been about 30 miles, I expect from where we was then.
Q Lots of other people living up on Big Creek at the time?
A Yes, sir, lots of darkies.
Q Lots of them? A Yes, sir, lots of them.

GEORGE B. DUFFIN, the applicant, recalled:
BY COM'R NEEDLES:

- Q Your earliest recollection where were you? A My earliest recollection I was down here in Goingsnake District about six miles they call is from Dutch town; that is where I was born.
Q Then you recollect going to Kansas? A Yes, sir, I never could forget that, we left the Nation with about 50,000 soldiers and they carried us about 20 miles horseback.
Q Now, when you returned, did you return with your father's family? A Yes, sir.
Q You don't recollect whether your father had been down in the Cherokee Nation before he went back after his family or not? A Yes, sir, he came down the summer preceding the fall looking out a location.
Q Then went back to Kansas after his family? A Yes, sir.
Q Did he bring your mother? A Yes, sir; well cut crops and effects there all we could haul and come on down.
Q You were quite a child then? A Yes, sir.
Q About how old were you? A It has been quite a while but I think I was about 14.
Q You have been living in the Cherokee Nation ever since? A Yes, sir.
Q You have been out occasionally in the Ministry around in the different states? A Yes, sir, I have been in Missouri, and Kansas and Arkansas and in this Nation.
Q Have you ever established a home outside? A No, sir; I

went two years to school at Baker University.

COM'R NEEDLES: George B. Duffin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is fully identified upon the Kern-Clifton roll and Wallace pay roll. By reason of the fact that his name is not upon the roll of 1880 and further fact that his citizenship is contested by the Cherokee Nation, George B. Duffin will be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified of the decision of the Commission when arrived at.

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

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 7th day of June, 1901.

(Signed) C. R. Breckinridge,

Commissioner.

Supl. C.F.D-#505.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901/

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George B. Duffin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:

Mellotte & Smith, Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.

(Witnesses called and sworn and placed under rule.)

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS:** What is your name? A W. A. Johnson.
Q What is your age, Mr. Johnson? A 71 years.
Q What is your postoffice address? A Barnett, Kansas.
Q How long has that been your postoffice? A Since 1888.
Q Did you know a colored man by the name of Nathan Duffin?
A Yes, sir.
Q Did you know his wife, Frances? A I don't know what his wife's name was.
Q You knew her, knew he had a wife? A I had a wife.

- Q Did you know any of his children? A I knew two boys, two sons, young men.
- Q Do you remember their names? A I do not, I don't know that I ever knew their first name.
- Q Did he have any girls you remember? A Yes, he had a couple of girls, but I don't know what their names was.
- Q Well, when did you first learn to know this family? A About '66.
- Q Where did they live at that time? A They lived in the vicinity of Garnett, Kansas.
- Q Live on the farm? A Yes, sir.
- Q Did you know what old Man Duffin's occupation was? A He was a preacher.
- Q How long did they continue to live in that vicinity from 1866? A My recollection is that they were there in the spring of '70.
- Q What fixes that date as the date that you think they were there last? That was the date in which the Leavenworth, Florence & Galveston Railroad was built to Garnett, and they were there during the building of that road until it was down to Garnett, and I know that they were there from the fact that they hauled railroad ties right past my house to the road until it was finished.
- Q How far did they live from you, Mr. Johnson? A About two mile and a half.
- Q Did you have occasion to see them frequently? A Saw them almost every day, that is the two young men.
- Q Did any of them ever work for you? A Yes, sir, I had them chop wood for me.
- Q You remember when that was? A I think that was in the winter of '67 and '8.
- Q I believe that you stated that you are practicing attorney at Garnett, Kansas? A Yes, sir.
- Q You also stated in another case that you had been County Attorney and Judge? A Yes, sir.
- Q Up in the State of Kansas? A Yes, sir.
- Q You didn't know but two boys of Duffin's? A That is all I have recollection of now.

MR. SMITH: Mr. Johnson, do you know whether the men or the boys that you knew there, whose names you didn't know, are the men who apply in these applications for enrollment?

A No, sir, I do not, I haven't seen the men since they left Kansas.

Q Now, when did you last see the girls? A It was somewhere about the spring of '70.

Q Well, now you spoke of the boys having got wood for you in '67 or '8, did you have any occasion to know anything about the girls at that time? A Nothing more than the fact that the girls were there about the house where their father lived, the man I supposed to be their father.

Q Where did they live? A They lived about two miles southeast, from Garnett on the farm owned by Judge Campbell.

Q They lived out in the country on the farm? A Yes, sir.

Q And you lived in Garnett? A No, sir, I lived adjoining Garnett?

Q Did you live on a farm? A Well, I lived on a small tract of land adjoining the City.

Q Well, practically you lived in Garnett? A Yes, sir, my office was in Garnett and has always been.

Q When was the last time that you could state you have been at the house of these people? A I could not state that exactly, but it was sometime about the time the railroad was completed to Garnett.

Q Well, you stated that you remember seeing the father and I don't remember whether you said the boys or not, working there hauling the time the railroad came there, but did you see the girls at the same time, they weren't hauling? A No, sir, but I frequently passed the place; I have seen them around the house.

Q Who would you see around the house? A I would see some girls there.

Q How many? A Two that I remember.

Q What was the difference in their sizes? A I have no recollection now whether there was any particular difference in the size or not. Q You don't know what two girls they was? A No, sir; I understood that they were Duffin's girls.

Q Were you ever at the house? A Yes, sir, I have been at the house, not in the house, but I have been at the house.

Q When did you first know Duffin? A I think it was in the winter of '66.

Q Can you state positively whether Duffin was there in the winter of '66 and spring of '67? A In the spring of---

Q Winter of '66? A Well, that is my best recollection.

Q But you can't state that positively? A No.

MR. HASTINGS: You mean to say by that that you don't know just any one time or what did you mean by that? A I mean by that that I could not be positive about just the exact time I saw him there.

Q Did you see him up until the spring of '70? A Yes, sir, I saw him frequently then.

MR. SMITH: Now, let me understand you, I want to know whether you can state positively whether he was there at all during the winter or '66 and spring of '67? A I would say he was.

Q Now what time did you see him in the spring of '67? A I could not say just what time, there is nothing by which I could distinctly fix the time.

Q If you can't fix the time you don't know he was there?

A Well sir, I had just come home from the army during the winter of '65, and when I came home a short time afterwards I got acquainted with him.

Q Well, now, how long afterwards? A I could not say how long.

Q About how long? A It has been a good long time ago, about, probably it was three months.

Q What time did you get home from the army? A I got home on the day of the election in November.

Q That was in '65? A Yes, sir.

Q And you don't know within three months of that time you first got acquainted with Duffin, do you? A Yes.

Q Now, what time? A I say about three months after that.

Q About three months after November, 1866? A 1865.

Q Then one year from that time, where was Duffin? A I could not say just where he was just one year after that.

Q Have you anything by which you fix these dates at all, or are you testifying from your independent recollection of facts?

A I am testifying from my recollection of facts, except that I know the railroad was completed to Garnett on the first day of May, 1870, and that they were there then.

Q Can you state with with reference to the two girls you mentioned when, before that railroad was completed, when you last met them and under what circumstances? A No, sir, I could not state under what circumstances I saw them at any time, simply see them there about the house as I would see any other lady.

Q Was there a man up there named Amby? A Hamby.

Q Hamby? A Yes, sir.

Q Did they live on his place? A I am not certain whether they did or not.

Q Do you have any recollection of their ever being on there or living on that place at all, Hamby's place, the preacher.

A No, sir.

Q Well, what do you say about that, were they on his place, or do you remember? A Not that I recollect of and I think too they were, but I am not positive about that, it has been a long time ago, and I haven't thought about these matters.

Q Did you see this man, Nathan Duffin, in October, '66?

A I could not say whether I did or not.

Q Can you state whether he was in Kansas during October or September, '66? A It would be my recollection that he was, but I could not fix any particular time that I saw him in the fall of '66.

COM'R NEEDLES: This testimony will be made part of the record in the case at bar, D-508, and also will be made part of the record in Cherokee Freedmen cases D-506, D-507, D-509, D-510.

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

(Signed) J. O. Rosson.

Subscribed and sworn to before me this November 12th, 1901.

(Signed) T. B. Needles,
Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and complete copy of the testimony and proceedings in this case.

Isabel F. Maxwell.

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

Bruce Jones
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PIERRE ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to use the certified
copy of the decree of the Court of Claims in the case of
Moses Whitwire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case F. D. 493, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and it to be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Rhoda Thornton, D 966;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war nor that he returned within the time specified in the
treaty of 1866, or that he had been a continuous resident of the
Cherokee Nation since that time, or that he is a descendant of such
a person. Second: Because the same is incompetent, irrelevant
and immaterial, and does not tend to prove an issue in this case.
Third: Because the Commission will take judicial knowledge of the
laws, treaties and decrees necessary for the determination of the
right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, can file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

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

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher. Fr. D-966.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 16, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of RHODA THORNTON as a Cherokee Freedman.

Appearances:

W. W. Hastings, Attorney for Cherokee Nation.

MARY E. MILLER, being first duly sworn, testified as follows on behalf of applicant:

- BY COMMISSION: What is your name? A Mary E. Miller.
- Q What is your post office? A Chelsea.
- Q In what district do you live? A Cooweescoowee District.
- Q What is your father's name? A Mike Whitmire.
- Q What is your mother's name? A Rhoda Thornton.
- Q Is your father living? A No sir, he is dead.
- Q Is your mother living? A No sir, she is dead.
- Q When did your mother die? A She died in November, the 14th, 1902
- Q Last year in November, A Yes sir.
- Q How old are you? A I am about forty-seven.
- Q You were born several years before the war then? A I do n't know just how many years.
- Q Do you remember anything about the war? A No sir, not very much, I can remember the soldiers.
- Q Were you living with your mother at the close of the war?
- A Yes sir.
- Q About how old were you at the close of the war? A I don't know that, I guess six or seven years old. I guess about that. I was just a small girl.
- Q You were living with your mother at that time, were you?
- A Yes sir.
- Q Did you and your mother go out of the Cherokee Nation during the war? A No sir, we were in Fort Gibson. That's what my mother always told me. I remember being in Fort Gibson, and I can remember the soldiers there. Of course I can't remember how the town looked, but I can remember the first soldiers I seen in Fort Gibson.
- Q Were you and your mother living in Fort Gibson at the close of the war? A Yes sir, my sister and my mother and myself. She had two children, Charlotte and Mary Ellen, at the close of the war. She just had three children. I have a brother, he was born after the war.
- Q How long did you live there at Fort Gibson at the close of the war, how many years? A About two or three years.
- Q Where did you go then? A Up on Big Creek.
- Q You and your mother? A Yes sir.
- Q How long did your mother live on Big Creek? A I don't know just how long.
- Q Was that in the Cherokee Nation? A Yes sir.
- Q Where did she move to next after living on Big Creek? A She went up here to her mother's, Mound City, up in Kansas.
- Q When was that? A After we went from Big Creek.
- Q About what year was that that you went to Mound City, Kansas?
- A I don't know, it must have been some place along about 1872 or 1873.
- Q How long did your mother live in Mound City, Kansas? A She stayed there, I think, about four or five months.

Q Where did you come to from Mound City back here, what place?
A Came down to Mrs. Mayes'.

Q In what Nation? A Cherokee Nation.

Q What part of the Cherokee Nation is that? A It is in Coowees-coowee District.

Q What is the name? A Mayes, Uncle Dave Mayes.

Q How long did you live - did you live there then near Dave Mayes?
A Yes, we lived there, my mother was a widow, but before my father died he lived there too. We stayed part of the time there, and part of the time at Duncan's.

Q How long did your mother live near Dave Mayes' place in Coowees-coowee? A Generally lived with them most of the time. We didn't have any farm taken up then, just one place and another. We didn't have any farm then, generally lived in the neighborhood with her folks.

Q How long did your mother and her family live in the neighborhood, after you moved down from Mound City? A Four or five years.

Q Where did you go to then? A Back to Kansas, and when we got old enough we went and worked out. Of course, this was our home, and we always came back.

Q After leaving Cooweescoowee District near Dave Mayes' that time, how long did you stay up in Kansas at that time? A The first time?

Q The second time you went up, how long did you stay in Kansas?
A I don't know what time you mean.

Q You said you went up to Mound City and stayed there five months, and came down and settled in Cooweescoowee District and lived there four or five years, then went back to Kansas? A I don't know just how long we did stay out, seems to me about a year, I think. Mother ran a laundry in Chetopa a short while.

Q How long did you live in Chetopa? A She was there I think about seven months, as near as I can remember.

Q Where did she go to then, A Back to the Territory.

Q Did your mother have any property in the Cherokee Nation when she went out the first time? A Yes sir.

Q What property did she have? A Some hogs and a cow, and then her household furniture.

Q She owned that property at the time she first went to Kansas?
A The time she first went?

Q Yes? A No, when she came she got the cow, I think it was. We must left our furniture and stuff. I think when she came back the second time I think she bought the cow. She went up there, my brother was born there then, and I think she came back and bought the cow of Mrs. Duncan when she came back.

Q Did your mother ever improve the place? A yes sir.

Q And take possession of a claim? A yes sir, we took possession of a claim up on Big Creek.

Q When did she take that claim? A She took it some time along about 1878, I guess it was.

Q Where did you say that claim was? A It was up on Big Creek, three or four miles from Mr. Duncan's.

Q Is Big Creek in the Nation? A Cherokee Nation.

Q What District? A Cooweescoowee District.

Q That was about 1878? A I think it was. I can't just remember what year it was, never kept account of dates hardly.

Q Make any improvements? A Made a house and it got burned down, and mother went out and worked to get another home, another place. The place is right up there now. After the house got burned down, and the posts for the fence burned, someone come along and jumped the place. Mother went out and worked again to buy lumber and stuff to build another house. That is, all of us together, we were all women, we just worked together.

Q When did you and she build the second house, how many years ago?
A It was in 1892, I think it was, when we built the second.

Q How long did she hold that first claim? A About seven or eight years, I think.

Q Did she hold the first claim continually up to the time she built the second place? A No sir, we rented, after the first place got burnt up we rented.

Q How long did she hold the second place? A Ever since 1892. I made the improvements there, started it, and then mother she helped me. I started, and my husband went away, and then my mother and myself we improved it. She bought the improvements and kept it.

Q How long did your mother hold that second place? A About 1892.

Q Up to the time of her death? A No sir, the Indians taken it from her. It was Prophet and , they taken it just before the Dawes Commission court.

Q Was that in 1896, just before 1896? A Just in April before the the court, yes sir, she was dispossessed of that. We had about 200 acres taken away.

Q For how many years did your mother live continuously in the Cherokee Nation before her death, immediately before her death?
A I can't tell you just how many years, but we have always been here, and don't know nothing else, only when we had to work. Of course, this has always been our home, and every time we would go out we would come back in the Territory. We had stock and horses and everything. That is, in the last part of our lives.

Q Did your mother go up to Kansas every year or two?
A No sir, sometimes she would be here five or six years before she would go.

Q Where was she living in 1898? five years ago? A She was living at her home, because it was 1892 when we went there.

Q For how many years just prior to 1898 did she live in the Cherokee Nation? A I can't tell just how many years, because I just can't keep account of the years she was out; but most of the time she lived in the Territory, because she would go out and work a while and then come back and stay on the farm. Of course, when we didn't have any farm we rented.

Q Did she ever buy any property up in Kansas?
A No sir, never bought a dollars worth of property. We always put our money here.

Q Did she ever move out or move all her things up in Kansas?
A No sir, I have got the furniture right now, an old stove we have had since I can hardly remember, and a few things.

Q Did she ever pay any taxes up in Kansas? A No sir, didn't have anything to pay taxes on.

Q How many sisters and brothers have you? A I have one sister and one brother.

Q What are their names? A Charlotte and Fred.

Q Which one is the oldest? A I am the oldest.

Q Your brother Fred was born before the war? A No sir.

Q Charlotte, was she born before the war? A Yes sir.

Q Then you and your sister Charlotte were born before the war?
A Yes sir, we were the children that was with mother during the war.

Q You lived with your mother during the war? A Yes sir.

Q Were you both living with her at the close of the war in Fort Gibson? A Yes sir.

Q Do you recollect as to whether your mother and the family went out of the Cherokee Nation during the war? Did they go out of the Cherokee Nation? A Not that ever I knew of. I know mother always told me she was waiting for father to come for her, she was in Fort Gibson, that's what she always told us.

Q Where were you living in 1866, your mother and you?
A I guess we must have been living in Fort Gibson.

Q Do you know of your own knowledge where you were living at that time? A No sir, really I can't tell. I couldn't tell '66 from anything else. Of course, I wasn't old enough to swear to that, I don't know, only what other people tells me. We were living in Fort Gibson, but as far as '66 is concerned, I don't know.

Q Do you remember whether you were living in Fort Gibson just at the close of the war? A I remember the soldiers, but I don't remember the close of the war, of course; I don't remember the close of the war, or what it was.

Q You don't know anything about the war of your own knowledge?

Q Not about the war. I saw the soldiers and know there was fighting.

Q Were they still fighting in the Indian Territory when you were living at Fort Gibson? A I don't know. It was after the war a couple of years before she left Fort Gibson, that's what she tells. I remember coming away all right.

Q How long did Charlotte stay with your mother? A She has always been with her, just like me.

Q All her life? A No, not all her life, but most of the time, because I wasn't married until I was quite an old maid, and me and my husband didn't live together only about six months. My sister was married first, and her husband didn't live only about a year. Sometimes some of stayed in the Territory and others worked out, and sometimes we would all be out working. Of course, we had our living to make, and we didn't have much to do with. After we got enough to get a horse and things like that we got a farm. Mother had two or three permits.

Q During the time your mother lived in Kansas, did you always leave some property in the Cherokee Nation? A Yes sir, we have had property here, that is, our household goods, but the first property we got was from Mr. Duncan, the second time that mother went off, when my brother was a little baby. That is the first time we ever owned anything in the Territory except our household goods. When she went away she left them here to aunty's.

Q When she went away the first time, did she leave any property here at that time? A No, she left her household goods, she didn't have any just then.

Q You say she left her household goods? A If you call that property.

Q What kind of household property? A She had a stove and bedsteads just like poor people do have.

Q She left them here? A Yes sir.

Q Didn't she keep house up in Kansas at that time?

A Not at that time, no sir, she didn't. She just went to grandmother's the first time, when my brother was born. After he was old enough she come home.

MR. HASTINGS: How old were you when you were married? A I was some place along about thirty-five or thirty-six, I guess.

Q You have been married ten or eleven years? A Yes sir, I haven't married since. I was married January, 1902, I believe.

Q You mean 1892? A Yes sir.

Q What was your husband's name? A His name was Miller.

Q What was his first name? A John C. Miller.

Q Where were you and John married, who married you? A Married up on Big Creek, Mr. Abram Ward married us.

Q Did you and John keep house up there? A No, we kept house on Pryor Creek.

Q How long did you keep house together? A About six months.

Q You separated then? A No, I had never had any divorce, but he wouldn't live here, and I wouldn't go out there. He lives west and I live east, because I wouldn't go out of the Territory.

Q Where is his home? A Colorado.

Q Ever meet him in Colorado? A Yes sir.

Q How long before you married him? A About nine months, I think it was.

Q In what town in Colorado? A The first time I seen him was in Glenwood.

Q Had you ever been married then? A No sir.

Q Were you there with your mother at that time? A No sir.

Q Who was with you at that time? A My sister.

Q Charlotte? A Yes sir.

Q What other place did you see him in Colorado? A I seen him in Leadville.

Q How long after you had seen him in Glenwood? A About three months after I had seen him in Glendow, I expect.

Q Did you see him at any other place in Colorado? A No sir.

Q Where was your mother at that time? A She was up in Leadville .

Q Keeping house? A No, she was cooking out.

Q When was that, how long before you married? A I married him, I guess, a bout two or three months after that.

Q How long were you in Colorado at that time? A We were out there about, I think we were out there about a year and maybe two or three months, as near as I can remember.

Q Who did Charlotte marry? A She married a man by the name of Henry.

Q Before or after you married? A She married before.

Q About how long before you married? A I don't know just how long she was married before I married, I don't remember. I forget just the year she married.

Q Has she some children? A No sir.

Q You have no children? A No sir.

Q Think over thematter, and tell us your best judgment as to how long she had been married when you married? A Well, really I can't tell you. Let me think. I think she had been married about - her second husband, I think it might have been about three years. Really, I just can't remember.

Q What was her first husband's name? A ~~ELI~~ C. L. Deranamy.

Q Was he a state raised man? A Yes sir.

Q Where did she marry him? A In Topeka.

Q Do you know who married them? A No sir.

Q What business did he follow at that time? A He was a private clerk in the Auditor's office, I think, the year that McCabe was there, he was Auditor.

Q He was a clerk in the Auditor's office? A He was a private clerk or secretary, I forget just what it was.

Q In Topeka, Kansas? A Yes sir.

Q How long did she live with this first husband? A They only lived together about a year.

Q Were they divorced? A Yes sir.

Q In what court? A I don't know, I guess in Topeka. I most know it was there. The year they was married they came down. They was married some time in the fall, and I think they came down here and stayed during the winter and went back the next spring and separated, I think it was.

Q When was she married to Henry? A Married to him in Leadville.

Q Leadville, Colorado? A Yes sir.

Q What was his business? A He just worked at anything he could get to do.

Q Does she live with Henry now? A No sir, he is dead.

Q Where did he die? A In the Territory.

Q Where? A Up on Pryor Creek.

Q How long after their marriage? A About, let me see. I don't know just how long after the marriage. Well, they came down here after they were married, but I don't know just how many years after

they were married or how long, when they came down - if I knew just the time they married I would know just how long. They came down - I do n't know just how long they was married when they came down, but anyhow they came down here about a year after I was married, seems to me. It was about nine months, I think, but I don't know just how long they had been married, because I can't remember the time they married.

Q By what name did your mother go when you can first remember?

A Rhoda Thornton. She always went by that name.

Q What name did her son, Fred, go by? A He went by Thornton too.

Q She has never married since the war? A No sir, never was married. She just went by her master's name, never was married.

Q Fred had no legitimate father? A No sir.

Q He was born where? A In Mound City, Kansas.

Q What was your grandmother's name? A Dorcas Downing.

Q She continued to live in Mound City, did she? A Yes sir, she didn't belong to the Territory. My mother was sold in here from Arkansas.

Q Your grandmother never belonged here? A No sir.

Q That is the grandmother you spoke of that your mother visited?

A Yes sir. My father's mother lived here, but my mother's mother never lived in the Territory.

Q You remember Mound City, Kansas? A Yes sir.

Q You were too young to remember of your own knowledge much about Fort Gibson? A I know I was there in Fort Gibson, but I can't remember whether it was in '66 or when it was.

Q You don't remember whose house you lived in there? A No, mother lived in a little cabin to herself.

Q You don't remember whose it was? A No sir.

Q You don't remember what part of town it was? A No sir, I don't know.

Q Now, when you first lived on Big Creek, in whose house did you live there? A Aunt Sukey Mayes, when you come up from Gibson.

Q Live in the house with them? A Yes sir, that is my uncle, my father's brother.

Q How long did you live in the house with them? A Live there about three or four years with them, that is, sometimes we children would go over with father, and mother mostly made her home with them.

Q They had a house at the time? A Yes sir.

Q And a field? A Yes sir.

Q You think that the first field your mother ever got was about 1878? A As near as I can remember it must have been about 1878, along some time there.

A That one burnt up and somebody else took it? A Yes, the first house we took got burnt up, and somebody jumped the claim. We got Mr. Ball to look after our claim and work on it all the time so no one would take it. About that time there was people jumping claims all the time.

Q You didn't have any land in cultivation at that time?

A Yes sir, we had land in cultivation.

Q About how much? A About six acres, I guess, didn't have much.

Q The fence got burnt up, and the house got burnt up, and somebody else jumped it? A We didn't have a bit of fence up.

Q Somebody else took it? A Yes sir.

Q You never got possession of it any more? A No sir.

Q Where were you when somebody else took it? A We were working out

Q Mound City? A Leadville. I was in Denver.

Q When did you first go to Glenwood, what year?

A It was about, let me see, I think it was about 1900 (1890) somewhere along there.

Q How old were you when you went out there? A I couldn't tell you unless I would count back. I am forty-seven now.

Q Did you ever go to school in Mound City? A Yes sir.

Q How long after the war? A Oh, I didn't get to go to school until I was about fifteen or sixteen.

Q What was the name of your teacher? A Mr. Francis, a white man.

Q What was the name of your other teacher? A That's all I ever went to school.

Q How long did you go to him? A Just one term. That is, I say one term, I went a little more, I guess. I went pretty near the whole year, but didn't go quite the year out, we had to come home, mother sent for us. She was then in Coffeyville running a laundry there.

Q In Coffeyville? A Yes sir, she worked for Eldridge.

Q Did Fred ever marry? A Yes sir.

Q Who did he marry? A He married a woman from Fort Smith. Her name was Anna - let me see, what was her name?

Q Is she state raised? A Yes sir, she is a state raised woman.

Q Where did he marry her? A Ardmore.

Q Chickasaw Nation? A Yes sir.

Q Where does Fred live? A I don't know, he lives just one place and another.

Q How long has he been married. I don't know just when he married, because he was married a long time before we knew anything about it.

Q Was he married long before you? A No, he married since then.

Q He has been married some eight or ten years? A No sir, he has married since.

Q Since the Kern-Clifton court? A Yes sir.

Q Since 1896? A Yes sir.

Q You don't know where he was when he was married? A We would hear from him all the time, but then he didn't tell us he was married until quite a while after.

Q Where was he living when he was married? A They was married in Ardmore. He was in ~~xxxxxxx x xxxxx~~ "agoner a while.

Q Where is your sister living now? A She lives on Lightning Creek.

Q She is not living with Henry, you say? A No, he is dead.

Q Did you know Buddy Brown in Mound City, Kansas? A No sir.

Q Who did you say married you and Miller? A Abram Ward.

Q He was a preacher, was he? A Yes sir.

Q What did you say become of this second place that your mother got, they beat you out of that in the courts some way?

A No, they never did give us any trial. We made it and improved it, and put everything on it, improved it all except one little patch of about five acres, that will be about a quarter of a mile from the house, and commenced to clear the farm up, and Mr. claimed that he owned it. We made all the improvements, but Mr.--- in the meantime, he had bought the farm from Mr. Akins, and he never paid for it, and Mr. Akins claimed this little field someway through fraud, and they just taken the whole business.

Q You lost it in the court? A Lost it? No, they never give us a trial, and that was about the cause of her death; she didn't live long afterwards. It nearly killed her.

Q Who hauled you from Fort Gibson to Big Creek, if you know? You don't remember that? A No sir, I don't remember that. We went in a wagon, that's all I remember.

MARIA WHITMIRE, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Maria Whitmire.

Q How old are you? A I don't know.

Q Were you born before the war? A Yes sir.

Q How many years before the war? A I don't know. I was turned into my 11th year when the war broke out.

Q What is your post office address? Q Wimer.

Q What district do you live in? A Cooweescoowee.

Q Did you know Rhoda Thornton? A Yes sir.

Q She is the mother of Mary E. Miller, who has testified here? A Yes sir, that is her daughter.

Q When did you first get acquainted with Rhoda Thornton? A I have been knowing her about thirty-eight years.

Q Did you ever know her before the war? A No sir, I didn't know her before the war, but I heard of her. You see, I was bred and born up here, and they lived down south of me.

Q Did you get acquainted with her while the war was going on, or after the war? A After the war.

Q Do you remember what year it was when you first got acquainted with her? A No sir.

Q Where was she living at that time? A I got acquainted with her on Big Creek first, but she lived at Gibson, because she was the aunt of my husband, she was Mike's aunt. This child's father is my own husband. We always talked about Aunt Rhoda Thornton, living at Fort Gibson. I never got acquainted with her myself until I saw her on the Creek.

Q You only knew of her living at Fort Gibson from what you have heard about it? A Yes sir, by my husband.

Q About how many years after the war was it before you first got acquainted with Rhoda Thornton? A I don't know just how long it was after the war.

Q Was it four or five years after the war? A I don't know just how long, but I know it.

Q How long did she live at Big Creek after you first got acquainted with her? A She has been there all the time, only when she went out working around in the states. Her home was there on the Creek.

Q Do you know about Rhoda Thornton going to Kansas? A Yes sir, I know when they said they was going up there to work, up to Coffeyville to run a laundry up there a while.

Q Coffeyville? A Yes sir.

Q Do you remember when she went out the first time? A No sir, they was in and out. They would go home and stay a long while and then go out, and sometimes would be back down here in Gibson, they said, at work. They had no man to work for them.

Q Did she have any place around, any farm around near Big Creek? A She had a place up above me, east of me.

Q Did she have a place when you first got acquainted with her? A No sir, she made it right after that. She was living with her folks.

Q Do you remember when she first moved to Kansas? A No sir, I don't know anything about her moving to Kansas.

Q You don't know whether she took her property with her? A She never took any property that I know of. I didn't know she had ever moved to Kansas.

Q Do you know how long she stayed there the first time? A No sir, she never did move to Kansas that I ever knowed of.

Q She has been to Kansas several times, hasn't she? A She went up there.

Q Several times? A You mean Coffeyville? Yes sir, worked at Coffeyville, and come back home.

Q How long did Rhoda Thornton live in the Cherokee Nation continuously before her death? A I don't know just how long, but it was a good long time, she stayed here until she died.

Q What is the last time she went to work up in Kansas? A I couldn't tell you hardly when was the last time, it was a long time, though.

Q Has it been eight or ten years ago, the last time she went to Kansas to work? A It has been longer than that, I expect. I couldn't tell you just how long.

Q Has Rhoda Thornton lived in the Cherokee Nation continuously for the last ten years before her death, all the time.

A She lived all the time in here, only when she was working out. When she was through working she would come home.

Q How long has she lived in the Cherokee Nation continuously?

A She has been living in the Cherokee Nation ever since I was acquainted with her, as far as that is concerned, ever since I have known her.

Q You say she went to Kansas to work out? A Yes sir, to Coffeyville.

Q Stay there for several months? A Would be there at one place maybe, and sometimes it looked to me like she wouldn't be there over three or four months, then come back home and be gone again.

Q What is your best judgment as to how long she has lived in the Cherokee Nation continuously without going out at all? A I don't know that. I never knowed her to live in the states. She lived right here in the Territory all the time, only when she was working out. She lived neighbor to me right there, in about a mile from me.

Q Do you know where she was living five years ago, in 1898?

A She was living on Pryor Creek five years ago. They have been living on Pryor Creek ever since they have been living down there, that's over five years.

Q Did she move from Big Creek to Pryor Creek? A Yes sir, moved there up there where they live.

Q How long has she been living on Pryor Creek? A I guess she has been living there about - that's pretty hard for me to tell.

Q Do you know when the Wallace roll was made? A At Vinita?

Yes sir, I remember when that was.

Q Has she been living on Pryor Creek ever since that time?

A She moved down there since then, if I am not mistaken.

Q Since the Wallace court, did she ever go to Kansas to work out?

A I don't remember, because at the time the Wallace court was there she was living living close neighbor to me, I think, then.

Q Did she ever go to Kansas to work out since that time?

A Oh, yes sir, she has been working out. Of course they worked out, go out and work and stay a month or two maybe, and come home.

Q What children of Rhoda Thornton were living with her when you first got acquainted with her? A This lady here.

Q What is her name? A We always called her Ellen.

Q That is Mary E. Miller now? A Yes sir, she's Miller by marriage, but her name is Thornton.

Q Her name then was Mary E. Thornton? A Yes sir.

Q She was living with Rhoda Thornton then? A Yes sir.

Q What other children? Did Rhoda Thornton have any other children?

A Lottie.

Q That's Charlotte? A Yes sir, that's the one. Then she had a boy by the name of Fred, but I am not much acquainted with him like I am with these girls, because I have been knowing these girls for always.

Q You don't know of your own knowledge where Rhoda Thornton was in 1866, do you? A No, I don't.

Q You don't know where she was in 1867 either, do you?

A You will have to come right down - I have got no education, and I don't know anything about the years. I don't know a thing about the year.

Q Do you remember how many years after the war it was when you first got acquainted with her? Was it several years after the war you first got acquainted with her? A Might have been two or three years, I don't know, I am just guessing at it.

MR. HASTINGS: How old was Freddie when you first knew Rhoda Thornton after the war? A I couldn't tell you how old he was.

Q Just stop and think about how big a boy was he when you first knew his mother after the war, your best recollection?

A I can't tell, to tell the truth about it.

Q Was he old enough to be weaned? Was he running around and playing when you first knew his mother, Rhoda Thornton, after the war? How old was he? A I don't know how old he was.

Q Your best judgment; two or three or four or five or six years of age? A I couldn't tell you just how old he was, he was a little fellow.

Q Was he in his mother's arms, or was he running about? A I don't know, seemed to me like he was a little bit of a fellow then.

Q Two or three years of age? A I would call it - I don't know just how old he was. I know he was a little fellow.

Q When you first knew his mother after the war?

A After the war when I first got acquainted with her.

Q Where was Freddie born, do you know that? A I don't know where he was born. I can tell you where they said he was born, at Mound City. She went up there to her mother, went up there to Mound City.

Q Did you ever know of her living in Topeka, Kansas? A No sir, I don't know nothing about her living there.

Q Did you ever know of Mrs. Miller living there? A No sir.

Q Ever know of her sister living there? A No sir, I don't know anything about them living in Topeka, Kansas.

Q Who did Charlotte first marry? A A man by the name of Henry.

Q Wasn't she married before that? A She has been married only twice.

Q What is the name of the first husband? A Henry.

Q What is the name of her second husband? A I don't know this last man, but I believe his name is - I don't know him at all.

Q Don't you know she was married in Topeka before she married Henry?

A That's the first man I ever knowed her to marry, was Henry.

Q Where did she marry Henry? A I don't know. They was married when she came home.

Q Where had she been to? A Up in the state working. They hadn't been gone long before they came home.

Q Where do you live? A On Big Creek.

Q What is your post office? A Wimer.

Q What was your name before you married Whitmire? A Landrum.

Q What is your mother's name? A Aggie. My father's name is George Landrum, belonged to Dave Landrum. I belonged to Aaron.

Q Did you ever see these people live in a house? A Yes sir.

Q Where? A Right on Big Creek.

Q Who had the place next to them when you saw them living in a house?

A Duffin.

Q George Duffin? A George Duffin, yes sir.

Q What kind of a house did they have? A Lived in a little log house.

Q How long did they live in that house? A Lived in there, I don't know how long; about three or four years, I guess.

Q Don't you know? A No sir, I don't know just how long they lived there, but they lived there a good while.

Q How far is that from you? A About a mile; about a mile south of me.

Q What did they do with this place? A This place I am talking about belonged to the heirs, some heirs. It was Dinah's children. They just rented it, then they took a place away up the creek. There is where they got burnt out.

Q How long had they lived up there when they got burnt out?

A I don't know just how long they lived there.

Q Were you ever at their house? A No sir, I just lived there where they lived, by Duffin's.

Q You never was at their place they calimed was burnt up?

A No sir, I never was right there, but I was passing along there
all the time. Never was right in the house.
Q Ever see the house? A Yes sir.
Q What kind of a house was that? A Just a common log house.
Q Do you know how long they lived in it before it got burned up?
A No sir, I don't know just how long they lived in it.
Q Did you ever know of this woman here living out in Glenwood,
Colorado? A No sir, I don't know that she lived there. I know
they said they were working out there.
Q Did you know her sister was out there in Colorado at one time?
A I can't tell that I know they lived there. I know they said
they were working out there when they would come home.
Q Don't you know her sister married out there? A I don't know.
She brought a man home, Henry, when she come home.
Q Did she and Henry ever keep house here? A Yes sir.
Q Where? A On Pryor Creek.
Q How long? A I don't know just how long.
Q Did she ever marry since Henry died? A Yes sir, she's married
now.
Q Who did she marry now? A I don't know the man she married now.
Q Where did she marry the last time? A Right there on Lightning
Creek; that's what they tell me, but she is married I know.
Q You never saw Rhoda Thornton then, for three or four years
after the war; you don't remember how long? A No sir, I don't
remember how long. It is a long time.

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 his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 20th day of November, 1903.

Charles H. Sawyer
Notary Public.

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IN RE
THE DEATH OF

Rhoda Thornton

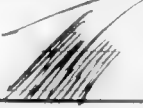
a citizen of the

STATE OF

NEW YORK Nation.

Approved

Nov. 17 1903.



Commissioner.

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

F.D. 966

In the matter of the death of Rhoda Thornton
(Here insert name of deceased)

a citizen of the Cherokee Freedman Nation, who formerly resided at or near
Chilsea, Ind. Ter., and died on the 14th day of
November, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
Western District.)

I, Mary E. Miller, on oath state that I am 47
years of age and a ~~citizen~~ Cherokee Freedman, of the Cherokee Nation;
that my post office address is Chilsea, Ind. Ter.; that I am
a daughter of Rhoda Thornton,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a ~~citizen~~ Cherokee Freedman, of the Cherokee Nation;
and that said Rhoda Thornton died on the 14 day of
November, 1902.

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of November 1903.

West

John E. Lieber
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
Western District.)

I, Mariah Whitmore, on oath state that I am 53
years of age, and a ~~citizen~~ Cherokee Freedman, of the ~~Nation~~ Nation;
that my post office address is Wimer, Ind. Ter.;
that I was personally acquainted with Rhoda Thornton,
who was a ~~citizen~~ Cherokee Freedman, of the ~~Nation~~ Nation;
and that said Rhoda Thornton died in the month of
November, 1902.

WITNESSES TO MAKE

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of November 1903.

West

John E. Lieber
Notary Public.

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

In the matter of the application for the enrollment of
Rhoda Thornton and others, consolidating the applications of:

Rhoda Thornton
Charlotte Henry

Cherokee Freedmen D 966
Cherokee Freedmen D 968

D E C I S I O N.

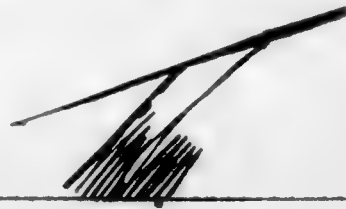
The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Rhoda Thornton for herself, and by Charlotte Henry for herself. Copies of testimony taken at various times in the cases of George B. Duffin, Cherokee Freedmen D 503, and Edward Wright, Cherokee Freedmen D 818, are made a part of the record herein.

The evidence shows that Rhoda Thornton and her daughter, Charlotte Henry, were the slaves of a Cherokee citizen at the commencement of the rebellion; that said Rhoda Thornton left the Cherokee Nation during the rebellion but returned thereto and established her residence therein, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitacre, trustee, etc. v Cherokee Nation et al., for the return of Freedmen to the Cherokee Nation; and that Charlotte Henry was residing with her mother in the Cherokee Nation during the said period specified in the above mentioned decree.


The evidence further shows that since the close of the rebellion, the applicants have lived at various times outside of the Cherokee Nation, but it does not appear that they ever removed with their effects from said Nation or became citizens of another government. It is further shown that said Charlotte Henry resided continuously in the Cherokee Nation from 1892 to 1900; and that said Rhoda Thornton resided continuously therein from about 1892 down to the date of her application herein.


It is, therefore, the opinion of this Commission that Rhoda Thornton and Charlotte Henry should be enrolled as Cherokee Freedmen, 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.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.




_____ Commissioner.


_____ Commissioner.


_____ Commissioner.

Dated at Muskogee, Indian Territory,

this MAR -5 1904

MAR 21 1902

[Handwritten signature] STANBROOK
OF LYMAN.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Rhoda Wagoner,
Cherokee, I. T.
Cherokee F-D-966
Registrar.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-966.

Muskogee, Indian Territory, September 11, 1903.

Rhoda Thornton,
Chelsea, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to your residence in the Cherokee Nation since your return thereto in 1866, and also as to which of your children were with you in said Nation at that time.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen Doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-966.

Muskogee, Indian Territory, September 11, 1903.

Edgar Smith,

Attorney for Rhoda Thornton,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Rhoda Thornton as a Cherokee Freedman, you are hereby advised that further testimony is required as to her residence in the Cherokee Nation since 1866, and also as to which of her children were with her at that time.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen ~~cases~~ ^{similar} cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D 966 & D 968

Muskogee, Indian Territory, June 8, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the applications for the enrollment of Rhoda Thornton and Charlotte Henry as Cherokee freedmen.

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

Respectfully,

Encl. V-21

Chairman.

Cherokee Freedmen
D-966-966.

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,

Agent for Rhoda Thornton,

Winita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Charlotte Henry and Rhoda Thornton, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. 1-15.

Register.

*appls
received*

09

**Cherokee-Freedmen
D-968-968.**

Muskogee, Indian Territory, June 30, 1904.

**Charlotte Henry,
Chelsea, Indian Territory.**

Dear Madam:

There is herewith enclosed a copy of the commission's decision, dated March 5, 1904, granting the applications of yourself and your mother, Rhoda Thornton, for enrollment as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

**Enc. I-14.
Register.**

COPY.

Cherokee Freedmen

D-966-988.

Muskogee, Indian Territory, August 18, 1904.

Charlotte Henry,

Nowata, Indian Territory.

Dear Madam:

On June 30, 1904, there were forwarded to yourself and your agent, Louis T. Brown, Vinita, Indian Territory, copies of the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of yourself and your mother, Rhoda Thornton, as Cherokee freedmen. Your said agent has heretofore been furnished with a copy of the record of proceedings.

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

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

Respectfully,

Tame Bixby.

Commissioner in Charge.

Chairman

COPY.

Cherokee Freedmen

D-966-96a.

Muskogee, Indian Territory, August 12, 1904.

Louis T. Brown,

Agent for Charlotte Henry, et al.,

Tahlequah, Indian Territory.

Dear Sir:

On June 30, 1904, there was forwarded to you a copy of the Commission's decision, dated March 5, 1904, granting the applications for the enrollment of Charlotte Henry and Rhoda Thornton as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are now advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Charlotte Henry, Nowata, Indian Territory, by the attorney for the Nation.

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

Respectfully,

Tame Bixby.
Commissioner in Charge.

Chairman.

COPY.

Cherokee Freedmen

D-966-968.

Muskogee, Indian Territory, August 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Rhoda Thornton, et al., including the Commission's decision, dated March 9, 1904, granting the applications for the enrollment of Rhoda Thornton and Charlotte Henry as Cherokee freedmen.

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

Respectfully,

James Dixby.

Chairman.

Encl. S-94.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON. September 23, 1904.

Land.

57606-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Rhoda Thornton for herself and by Charlotte Henry for herself.

March 5, 1904, the Commission decided favorably to the applicants.

The record shows that both applicants, being mother and daughter, were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that Rhoda Thornton left the Cherokee Nation during the war but returned and established a residence therein prior to February 11, 1867, and that Charlotte Henry was residing with her mother, Rhoda Thornton, during said period.

The applicants are identified on the Wallace roll but no other.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

A. C. Torner

Acting Commission.

V.F.M.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W. C. T.
Y. P.
T.M.

D. C. 40760 1904. WASHINGTON, October 20, 1904.

I. T. D. 7074-1904.

ERS

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

Gentlemen:

August 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of Rhoda Thornton, et al (F. D-966-968), including your decision of March 5, 1904, granting the applications for the enrollment of Rhoda Thornton and Charlotte Henry as Cherokee freedmen.

Reporting in the matter September 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

(c O P Y)

Commission of the five civilized tribes when the case of
sharlotte henry and mary E miller daughters of rhodia thornton
has been decided please forward same to Nowata I T to sharlotte
henry

Cherokee Freedmen
D 966.

Muskogee, Indian Territory, October 14, 1903.

Mary E. Miller,
Hayden, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of October 5, 1903, stating that your mother, Rhoda Thornton, who was notified to appear before the Commission at Vinita, I. T., in September and give further testimony as to her enrollment as a Cherokee Freedmen, died on November 14, 1902. You ask that you be allowed to produce the testimony required.

In reply you are advised that it is desired that testimony be furnished tending to show the residence of Rhoda Thornton since 1866. Further testimony is also required as to which of her children were living with her in 1866. This testimony you may introduce before the Commission at its offices in Muskogee, I. T., on Monday November 16, 1903.

Respectfully,

Chairman.

Cherokee Freedmen
D 966

Muskogee, Indian Territory, October 14, 1903.

Edgar Smith,
Attorney for Rhoda Thornton,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that Mary E. Miller, daughter of Rhoda Thornton, Cherokee Freedmen D 966, has this day been requested to appear before the Commission at its offices in Muskogee, I. T., on Monday November 16, 1903, and introduce testimony as to residence of the said Rhoda Thornton since 1866; also testimony as to which of Rhoda Thornton's children were living with her in 1866.

Respectfully,

Chairman.

Cherokee Freedmen
D 966

Muskogee, Indian Territory, October 14, 1903.

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

Dear Sir:

You are hereby advised that Mary E. Miller, daughter of Rhoda Thornton, Cherokee Freedmen D 966, has this day been requested to appear before the Commission at its offices in Muskogee, I. T., on Monday November 16, 1903, and introduce testimony as to residence of the said Rhoda Thornton since 1866; also testimony as to which of Rhoda Thornton's children were living with her in 1866, the applicant having failed to appear before the Commission at Vinita, I. T., in September and introduce testimony requested.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-966, D-968.

Muskogee, Indian Territory, October 29, 1904.

Charlotte Henry,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of yourself and your mother, Rhoda Thornton, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Jame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-933, D-968.

Muskogee, Indian Territory, October 29, 1904.

Edgar Smith,

Attorney for Roda Thornton, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, regarding the applications for the enrollment of Roda Thornton and Charlotte Henry as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

W. C. B. *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-966 D-968

Muskogee, Indian Territory, October 29, 1904.

Hell, Hastings and Davenport,
Attorneys for Rhoda Thornton, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Rhoda Thornton and Charlotte Henry as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tamo Bixby.*
Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS E. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BEALL,
Secretary

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

REFER IN REPLY TO THE FOLLOWING:

C F 1413

Muskogee, Indian Territory, December 8, 1904.

Rhoda Thornton,

Nowata, I. T.

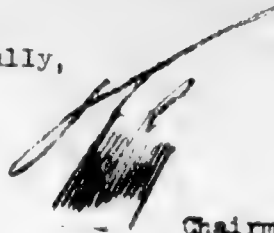
Dear Madam:

You are hereby advised that the name of yourself

appear upon a partial roll of Cherokee
freedmen approved by the Secretary of the Interior on November
16, 1904.

You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,



Chairman.

Cher Fr 1414

Trans. from Cher Fr D989

Cher Fr 1414

57336	Incl. No.	1904
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70001

DEPART JAN 1904 P. 541 Inclost. FEB. 1904
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Depart

X 1904

CHEROKEE CASE

No. 70 ⁹⁸⁹⁻⁹⁹ / ₁₀₀₀₋₁₀₃₀ / ₁₀₃₂₋₁₀₅₄

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES

3923

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

Houston West et al
George West et al
Callis West
John West
Lugenia Harris et al
Callis West

As et al of the Cherokee Nation

Musings 1 1 90

Respectfully submitted to the Secretary of the Interior

for review

To be filed with the case of George West, C. F. D. 990.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July, 1st 1901.

In the matter of the application of Houston West for the enrollment of himself and five children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Houston West.
Q What is your age? A. 47.
Q What ~~district do you live in?~~ is your post office address? A. Muldrow, I. T.
Q In what district do you live? A. Sequoyah district.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Five children.
Q What are their names? A. Ida West.
Q How old? A. 19 years.
Q Next? A. Nancy.
Q How old? A. 17 years.
Q Next? A. Fannie.
Q How old? A. 15.
Q Next? A. Georgia
Q How old? A. 13.
Q Next? A. William.
Q How old? A. 9 years.
* Is your name on any of the rolls of the Cherokee Nation? A. Yes sir the Kern Clifton and Wallace rolls.
Q Are you married? A I have been, am not now.
Q Is your wife living? A. The mother of these children is not living.
Q What was her name? A. Lizzie Albert when I married her.
Q When were you married to her? A. In '78.
Q Why is your name not on the roll of 1880? A I have always tried to get it on.
Q You have failed though? A. Yes sir.
Q Is your wife a citizen? A. Yes sir.

Kern Clifton roll examined and the name of the applicants found as follows:

page 111 No 2763	Houston West,	Illinois district
page 111 No 2765	Ida West	"
page 111 No 2766	Nancy West	"
page 111 No 2767	Fannie West	"
page 111 No 2768	Georgia West	"
page 111 No 2770	Willie West	"

Wallace roll examined and the name of the applicant found as follows:

page 147 No 3066	Houston West,	Sequoyah district.
page 147 No 3069	Ida West.	"

- Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Walk Mayfield.
Q Was he a Cherokee citizen? A. Yes sir.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Texas.
Q When did you return? A. In '68.
Q What time in '66? A It was in the winter.
Q Were you married then? A. No sir.
Q Have you lived in the Cherokee Nation continuously since then? A. Yes sir.
Q Were these children born here? A Yes sir.
Q And have they lived here all the time? A Yes sir.
Q Have you any proof of your marriage to your wife Lizzie? A. Yes sir
Q A marriage certificate? A No sir.
By L. B. Bell, Cherokee representative
Q Who was your father? A. Henry West.
Q And your mother? A. Phoebe

- Q And you belonged to the Mayfields? A. Yes sir.
Q Where were you living when the war commenced? A. On the old Blackburn place in Sequoyah.
Q When did you go to Texas? A. The second year of the war.
Q Where did you stop at there? A. At the old Mayfield place near Bellville Texas.
Q Did your father belong to Walk Mayfield at the beginning of the war?
A Yes sir.
Q When did you return here? A. In '66.
Q Who with? A. Walk Mayfield and his family.
Q What was his wife's name? A Jane Blackburn before he married her
Q What ever became of your father? A. Di d.
Q Is your mother alive? A. No sir.
Q Just you and Walk's family came together? A That is all.
By the Commission-
Q When did your father die? A. In '93 or '4
Q When did your mother die? A. She died before he did.
Q Your father and mother are not on the roll of 1880? A. No sir but I have a sister ~~that~~ on the 1880 roll.
Q What is her name? A. Mary Whitwire.
Q Is she married now? A Yes sir..
Q Did she go to Texas with you? A. Yes sir.
Q And did she return with you? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's sister found as follows:
page 728 No 1399, Mary Whitwire, Sequoyah district

- Q You say this is your full sister? A Yes sir.
Q Same father and mother? A. Yes sir.

HARRISON FOREMAN called and sworn as a witness for the applicant-

- Q What is your name? A Harrison Foreman.
Q What is your age? A. 48.
Q What is your post office address? A. Catoosa.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q A freedman? A. Yes sir.
Q Do you know the applicant? A. Yes sir.
Q How long since you known him? A. Since the war.
Q Was he a slave? A. Yes sir that is what I hear.
Q When did you first see the applicant after the war? . I cant be positive as to the exact time, in '66 I believe.
Q Where? A. I was the ferryman at Fort Smith and I ferried him over the river.
Q Who was with him? A. Walk Mayfield and his family and the applicant's father and mother
Q And you think it was in '66? A Yes sir.
Q Has he lived in the Cherokee Nation since '66? A Yes sir.
By Bell-
Q What time of the year was that? A. I dont know if it was in November or December, but along there.
Q Walk Mayfield was his former owner? A Yes sir.
Q Is Walk living? A. No sir.

DENNIS BEAN called and sworn as a witness for the applicant-

- Q What is your name? A. Dennie Bean.
Q What is your age? A. 42.
Q What is your post office address? A. Muldrow.
Q Are you a Cherokee freedman? A, Yes sir.
Q Do you know the applicant? A. Yes sir.
Q How long have you known him? A. Ever since---I think it was the fall of '66.
Q Was he a slave? A. Yes sir.
Q Who owned him? A. Walk Mayfield.
Q Dis this applicant go out during the war? A I guess they did.

Q When did you first see him after the war? A. They was coming through making their way up by where I lived in '66, I lived on the bank of the Arkansas this side of Fort Smith

Q Who was with this applicant then? A. His father and mother and two sisters I think a man named Tom Harnage and a woman named Aggie and Day West.

Q Was Walk Mayfield with him? A. Yes sir that was his owner.

Q Has this applicant lived here ever since? A Yes sir.

By Bell-

Q Where were you living then? A. On this side of the river on the place that belonged to Menerva Thornton. The house is saved in now.

Q Was that the old George Johnson house? A. No sir that was below us.

By the Commission-

Q You are positive that you are correct as to these dates? A. Yes sir

Q What circumstance makes you think it was in '66? A Because they was all harping about the '66 treaty then.

ALBERT JOHNSON called and sworn as a witness for the applicant;

Q What is your name? A. Albert Johnson.

Q What is your post office address? A. Bengo.

Q What is your age? A. 43.

Q Do you know the applicant? A. I do.

Q How long have you known him? A. Ever since I was a boy.

Q Was he a slave? A. I guess he was, he was with Walk Mayfield.

Q Did he go out of the Cherokee Nation during the war? A. Must have, he came back.

Q How do you know he came back? A. Moved on the Lilly Starr place in the fall of '66.

Q Where is that? A. This side of the Arkansas river

Q Who was with him? A. His mother and father.

Q Have you known him ever since that time? A. Yes sir.

Q Are you sure that it was in '66? A As my memory serves me it was '66

Q You was here yourself then? A. Yes sir.

By Bell-

Q Who was with him, was Walk Mayfield with him? A. Yes sir.

By the Commission

Q Was Walk Mayfield a Cherokee citizen? A. ~~Yes sir.~~ Said to be.

Q Do you know this applicant's wife? A. Yes sir.

Q Do you know they were married? A. Yes sir.

Q Was you there when they married? A. Yes sir.

Q And saw them married? A. Yes sir.

Q Who married? A. Jenkins.

Q What was her name when she married him? A. I dont know now.

Q Where were they married? A. At the Fox place.

Q Have they lived together since then continuously as man and wife?
A Yes sir.

Q And raised a family? A. Yes sir.

By Com'r Needles,-

Houston West applies for himself and five children, Ida, Nancy, Fannie, Georgia and Willia, West; he cannot be identified on the authenticated roll of 1880 or the census roll of 1896; he is identified on the Kern Clifton roll and the Wallace roll according to the page and number of the rolls as indicated in the testimony; he avers that he was the slave of Walk Mayfield, that he was taken out of the Cherokee Nation during the war and returned in 1866 with his master Walk Mayfield and offers evidence to establish that fact. He makes satisfactory proof of his marriage to Lizzie Albert now deceased, who is the mother of his children; all of his children are identified on the Kern Clifton roll; he avers that he is the full brother of Mary Whitmire, they having the same father and mother; she is now married and enrolled on the authenticated roll of 1880; he avers that she returned to the Cherokee Nation with him at the same time as his father and mother and the balance of the family; the evidence so far presented is sufficient to justify the Commission in enrolling the said Houston

ient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee freedmen, but now comes the Cherokee Nation and protests the enrollment averring that they have witnesses with which to rebut the evidence now given; consequently the said Houston West and his five children will be listed for enrollment as Cherokee freedmen on a doubtful card and when the final decision is arrived at he will be notified by mail.

* * * * *

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 true and complete transcript of his notes thereon.

Chas von Weise

Subscribed and sworn to before me this 3rd of August, 1901.

M. D. Green
Notary Public.

5

3806A

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 1 1901

[Faint handwritten signature or initials]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 26 1868*
 Post Office *Wauhatchie St.*
 District *Cherokee*

1. Name *Douglas West* Age *47*
 Owner's name *Walter Hays* Citizenship *Cherokee*
 Year *1868* Page *111* No. *2763* District *Cherokee*

Parents:
 Father *Alexander West* Citizenship
 Mother *Phoebe* Citizenship

1. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:
 Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.	
1.	<i>John West</i>					
2.	<i>Ida West</i>	<i>1868</i>	<i>111</i>	<i>2765</i>	<i>Cherokee</i>	<i>19</i>
3.	<i>Mary</i>			<i>2766</i>	<i>"</i>	<i>17</i>
4.	<i>George</i>			<i>2767</i>	<i>"</i>	<i>5</i>
5.	<i>Sarah</i>			<i>2768</i>	<i>"</i>	<i>13</i>
6.	<i>William</i>			<i>2770</i>	<i>"</i>	<i>7</i>
9.						
10.						
11.						
12.						

Application made by _____ Stenographer *J. ...*

1 *On Wauhatchie 1868 Page 111 # 3055 - Seal*
 2 " " " " 111 # 3069 - "

C.F. D- 989, Houston West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Houston West for enrollment
as a Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:

Applicant not present:

W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Attorneys for Cherokee Nation make proof of
service of notice that they will introduce testimony in this
case on September 4, 1901.

W. T. HARNAGE, being duly sworn by Commissioner Needles, tes-
tified as follows:

Q What is your name? A W. T. Harnage.

Q What is your postoffice? A Tahlequah.

Q What is your age? A About 53.

Q You a Cherokee citizen by blood? A Yes, sir.

Q I believe you made a statement that you returned here in December
of 1866, after the war? A Yes, sir.

Q To what part of the Cherokee Nation did you come? A Sequoyah
district.

Q How far did you locate from Fort Smith? A Just across the river,
about half a mile from the line.

Q What relation are you to Zeke Harnage? A Half brother.

Q Is he older or younger than you? A He is older.

Q Did you know Walk Mayfield? A Yes, sir.

Q What relation is he to you? A He is my uncle.

Q How long did you continue to remain down there in Sequoyah dis-
trict immediately after you came? A I stayed there in the bottom
until after Christmas, then I went up to Flint.

Q You stayed there until after Christmas of '66? A Yes, sir.

Q About the first of January? A About the first of January some-
time.

Q Now did your uncle Walker Mayfield return when you lived there?
A No, sir.

Q Now how long did you remain up in Flint? A I stayed up there
till about the middle of April and went back down in the bottom.

Q And when you came back had he returned then? A Yes, sir, he was
there then when I went back to the bottom.

Q That was in April of what year? A '67.

Q But when you left there after Christmas of '66, about January,
he hadn't come? A No, sir, he hadn't come in, we left him in Texas
in the fall of '66.

Q You left him there? A Yes, sir.

Q Had he made a crop there in Texas that year? A Yes, sir.

Q You know what kind of a crop, cotton and corn? A Corn and
cotton.

Q Well, how far did he locate from your place and from the place
that you had stopped when you returned there in April of '67?

A About five miles.

Q He was your uncle? A Yes, sir.

Commissioner: He came there you say in April, '67? A I came
back to the bottom in April '67 and he was there when I came.

Q Walker Mayfield was? A Yes, sir.

Q You know when he came there? A No, sir, he came after I left,
I left the bottom in January, '67, and went up to my uncle's in Flint

and stayed there till April.

Q And he wasn't there when you left? A No, sir, but when I got back there, he was there.

Q What brings it to your memory that it was in '67? A Because it was in '68 when we came there, in the fall, and I stayed there till that Christmas.

Q You are positive of that? A Yes, sir, and after Christmas I went to Flint.

Q Couldn't have Walker Mayfield come to the Cherokee Nation before that date; you don't know when he actually did come, do you?

A No, sir, he wasn't there when I left.

Q He wasn't, you mean, on this place? A No, sir.

Q But you don't know whether he was in any other part of the Cherokee Nation when you left? A No, sir, I don't know whether he was.

Q The first time you saw him was in April, '67? A Yes, sir.

Mr. Hastings: I believe you stated you left him in Texas when you came up here? A Yes, sir, we left him in Texas when we started.

Commissioner: When was that? A In December, in November, '66.

Q He was living there then? A Yes, sir.

Q Did he bring his old slaves with him when he came back?

A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q When did you first see Houston West? A I saw them all together at that time.

Q Was Houston West in Texas when you left there? A Yes, sir.

Q Living on Mayfield's farm? A Yes, sir.

Q They made a crop there? A Yes, sir.

Q What kind of crop? A Corn and cotton.

EZEKIEL HARNAGE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Ezekiel Harnage.

Q What is your postoffice? A Foyil.

Q What is your age? A 59 years old.

Q You are a Cherokee citizen? A Yes, sir.

Q You were in Texas when the war closed, were you? A Yes, sir.

Q Now when did you return to the Cherokee Nation? A I came back on the 16th day of December, 1866.

Q Now to what part of the Cherokee Nation did you come? A Sequoyah District.

Q What relation were you to Walk Mayfield? A He was my second cousin; he was a first cousin of my mother's.

Q You and this other witness are half brothers? A Yes, sir.

Q Different mothers? A Yes, sir.

Q Now you came back, I believe you say, to Sequoyah District?

A Yes, sir.

Q Now you know Walk Mayfield, do you? A Oh yes.

Q Did you see him in Texas? A Yes, I saw him in Texas.

Q How far did you live from him down there, or did he from you?

A About a couple of miles, or hardly that far.

Q Did you leave him, or he leave you there? A I left him there.

Q You moved up there in Sequoyah about December 16, 1866?

A Yes, sir.

Q Now what time did Walk Mayfield come to the Cherokee Nation?

A To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867.

Q Did he bring his slaves with him? A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q He had some boys, Houston, Callis and George? A Yes, sir.

Q Did you continue to reside there in Sequoyah District from December 16 up until the following April, March or April?

A Oh yes, I was there all the while.

Q About how far did Walk Mayfield locate from you when he came?

A I guess it was four miles and a half, or five.

Commissioner: Did you know Houston West? A Yes, I knew them boys.

Q Did he have a sister named Mary? A I don't know anything about the girls.

Q Well, Houston West was a slave of Walk Mayfield? A Yes.

Q When did you first see Houston, after the war? A I saw him after the war, after Mayfield came back to the Nation.

Q With Mayfield's family? A Yes, sir.

Q Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867? A I am positive of it.

Q Is he living? A No, he is dead.

Q His wife living? A No, she is dead.

Q What fact fixes the date of Mayfield's return in your mind?

A The fact of the business is, the fact that fixes it in my mind was about going to work to make a crop.

Q Well, as to the year? A Oh, I know when I moved, and Walk Mayfield come the next spring like.

Q You know that you came in '66? A I know that, I am positive of the fact.

Q Where were you living in '65? A In Texas.

D. M. FALKNER, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A D. M. Falkner.

Q What is your age, Mr. Falkner? A I am about 60.

Q What is your postoffice address? A Hanson, Indian Territory.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Falkner, you have been married, I believe, the second time?

A Yes, sir.

Q What was your first wife's name? A Her name was Rachel L. Adair.

Q That was her maiden name? A Yes, sir.

Q Was she any relation to Walker Mayfield? A Yes, sir, she claimed that Mayfield was her uncle.

Q Did you know Walk Mayfield yourself? A Yes, sir.

Q Where were you living in the year of '66 and the spring of '67?

A I was living in Sequoyah district, Cherokee Nation.

Q Did you know Walk Mayfield before the war? A Yes, sir.

Q When did Walk Mayfield return to the Cherokee Nation after the war? A Well, he returned about the first week of April, 1867.

Q Now Mr. Falkner, tell the Commission why you fix that time, all the circumstances? A Well, this young lady that I spoke of --

Q That you afterwards married? A Yes; she was boarding with my sister, teaching school, and the news come that her uncle had come home from Texas, just from Texas, and I went with her over there, that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in.

Q Well, how far was it that you had to go? A Four miles, and then I went with her over there, and the reason why I am so positive about it, me and her was married about ten or fifteen days after that; that is, this young lady.

Q Your first wife? A Yes, my first wife.

Q Rachel L. Adair? A Yes, sir, and I have got it in the bible at home, my marriage; we were married about a week or fifteen days after he came, and I think it is dated on the 17th of April, or the 27th of April, when me and her were married, and just a few days before that is when me and her went over there.

Q That is her uncle, Walk Mayfield? A Yes, sir.

Q You had heard of him coming these four miles here, and you went over there to see him, and they had just come in? A That is what they claimed, they had just come in.

Q You hadn't heard of him before that? A No, sir.

Q Did they have some slaves, colored people, with them?

A Yes, sir, they had some there, of course I wasn't acquainted with the slaves, but there was an old man named Henry West, and I have known him ever since; they claimed he had brought in his slaves, and that old man was all I seen.

Q Had they unloaded the wagons when you got there? A There was a covered wagon standing there at the house when we got there.

Commissioner: What year were you first married, Mr. Falkner?

A It was in April, '67.

Q You are positive of that? A Yes, sir, I have got it in the bible at home.

Q You didn't know Henry West, a slave? A No, sir, I didn't know him, they told me there was his darkies, all I know.

Q You don't know of Walker Mayfield coming into the Territory before that time at some other point? A No, sir, that is the only time I heard about it, and I lived by him before the war.

Mr. Hastings: Your first wife is dead? A Yes, sir, she is dead.

Commissioner: Walker Mayfield dead? A Yes, sir.

Q His wife dead? A Yes, sir.

Q Any of his children living? A Well, I don't know, no, sir, all dead; he had three boys and they are all dead.

Q How far is this Walker Mayfield place, where he came to, from the Cherokee line? A It is about four miles and a half, or five; they crossed there at Fort Smith I suppose, to go to that place.

Q Four or five miles from that place to Fort Smith? A Yes, sir.

Q Coming from Texas then that would be the first place they would strike in the Territory? A Yes, sir.

Q There is where they all crossed? A Yes, sir.

Q Were you down in Texas? A No, sir, I was at Skulleyville, across the river there, in '65 and '66; '66 I moved over with my sister.

Commissioner: This testimony will be made part of the record in the cases of Callis West, D-1000, and George West, D-990.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of September, 1901.

C. R. Beckwith

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

In the matter of the application of Houston

West _____

for enrollment as a Cherokee Freedman.

No. F. D. 989

J. C. Stair, of lawful age, being duly sworn on oath states that on the 28 day of August, A. D., 1901, he registered to Houston West whose postoffice is Muldrow

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Linco Indian Territory;

and that on the 4th day of Sept, 1901, he received the return card which is hereto attached, signed by the said W West, showing that he had received said notice.

Subscribed and sworn to before me on this the 4 day of Sept A. D. 1901.

J. C. Stair

Notary Public.

10

989

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. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of 1901.

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. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

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

FILED
SEP 4 1901


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of **Houston West**
for enrollment as a Cherokee Freedman:

Case No. F. D. 969

To **Houston West, Muldrow I. T.**

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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of ^{Port Gibson} ~~Port Gibson~~ Indian Territory, on the following dates, to-wit: ~~September 4th~~
A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 27th day of August, 1901.

R. S. D. Bell
W. S. D. Bell
J. S. D. Bell
Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of Houston West for the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-889.

APPEARANCES:

- A. S. McRea for applicants.
- W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book from the records of the Executive Department of the Cherokee Nation entitled Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871, and from that part of the book headed Doubtful Roll Sequoyah District, No. 143, the following:

"Henry West.
Decided against claimant June 15, 1871."

The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Chambers Court, on June 12, 1871, as shown from the citizenship record, No. 1, page 9, in the case of Henry West vs. the Cherokee Nation, the same being signed by John Chambers, President of Commission, O.P. Brewer, George Downing, Commissioners, countersigned D. L. Nicholson, Clerk of Commission, as follows:

*No. 1.	Henry West vs Cherokee Nation.) Claim of Citizenship. Before the) Commission on Citizenship, Sitting at) Tahlequah, C. N. June 12th, 1871
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This case, comes under that class of cases, of which the Commission have jurisdiction under Act of Dec. 1877, claiming citizenship under the 9th Article of the Treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the Rebellion. Claimant was afterwards sent to Texas, by his owner, but returned in time, that is, within six months from the ratification of the Treaty of 1866.

The facts above are proven satisfactorily, except as to the time of the return to the Nation. This is the turning point in Henry West's case. The Comm find that the only testimony on that point, is the statement of Walter Mayfield, who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the Act establishing the Comm to the time mentioned in the Amendments to the Cherokee Constitution, so far as to the exact time of the ratification of said Treaty is concerned, which places it, on the 12th day of July 1866; and hence claimant's return in April 1867, is more than six months after the time specified in the said 9th Article of said Treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said Treaty in the opinion of the Commission, and consequently they decide that s'd claimant is an Intruder, on the Public Domain of the Cherokee Nation.

Attest:

D. L. Nicholson,
Clerk Comm.

John Chambers,
President Commission.
O. P. Brewer, } Comrs.
George Downing, }

Attention is called to the fact that at the head of the decision, dated June 12, 1878, that the date is omitted, but the decision on page 8 of the same book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1878, and the case upon the page following this decision, the same being that of Grill Miller vs. the Cherokee Nation, is dated June 13, 1878.

MR. McREA: To all of which the applicant objects for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in this case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record as cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and consequently would have no bearing as to the rights and the status of these applicants. It would further appear that these applicants, Houston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and was owned by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, they being claimants in their own rights and status. Mr. Hastings, I'll swear you, without waiving any of the objections.

W. W. HASTINGS, being first duly sworn, testified as follows:

MR. McREA: Your name? A W. W. Hastings.

Q Age and postoffice address? A I am 35 years old and postoffice is Tahlequah.

Q Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this Commission appointed? A By an act of the Cherokee National Council, so I am informed and the records show.

Q I will ask you if it is not the law under the Constitution of the Cherokee Nation that in the appointment of these alleged commissions on citizenship, if when the Commission has exercised its duty as regards the same, that before the same can become a law, either for or against the applicants as appear before these respective Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A Well I haven't that law before me, but I have no doubt from the decisions that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.

Q Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective commissions and their cases were submitted to the Council for admission or rejection? A There weren't any so far as I know except there weren't any submitted to the National Council except, so far as I know, except some in 1871; none of these later Commissions, they had full authority to investigate and admit themselves or reject, and this Commission had authority to admit or reject, and the Council have no supervisory control over it.

Q Then the action of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes, sir.

Q The Chambers Commission? A Yes, sir. Well I am stating my judgment of the law, I wasn't there, you know; never practised before it.

Q How about the Commission of 1871, known as—what's the name of that Commission? A Well, in 1869 an act was passed allowing certain people to go before the Chief Justice of the Supreme Court, and he had hearings up until sometime in 1871, I don't remember the exact date, but under that class of cases and under that act, my recollection is that it was December 3, 1869, but I wouldn't be positive as to that, but anyhow under that the justice of the Supreme Court heard applications, and referred them to the National Council, but I know of no other authorities that did; don't recall any.

Q Who was the president of the Commission of '71, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vann; I know he was along about that time, but perhaps I am mistaken. Well, this record here shows that R. B. Daniels was Chief Justice in '71. John S. Vann was along about that time, I don't know now just when he went in or out.

Q Who was the member of the Commission appointed to hear citizens who made application in '71? A This book shows that R. B. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.

Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of doubtful cases for Cherokee citizenship tried in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that of a day book than that of a regular record kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testified as follows:

MR. McREA: What is your name? A My name?

Q Yes, sir. A Thomas A. Williams.

Q Your age? A I am 61, going on 62.

Q Postoffice address? A Muldrow, Indian Territory, Sequoyah District.

Q Mr. Williams, are you acquainted with Houston West and brothers?

A Yes, sir, I am acquainted with Houston and especially acquainted with Callis West.

Q How long have you known him? A Well, sir, in 1866 I had a bunch of mules, myself and Crosby, and we was keeping them on Camp Creek there right below old man West's, and sometime in the early part of the winter perhaps, just before Christmas, two or three or four days, Walk Mayfield brought the family back there; they were chaps.

Q Who was Walk Mayfield? A Walk Mayfield? That was a Cherokee I took him to be.

Q Where was he when you saw him in '66? A I saw them and camped just about—about, when they first came there they came just above where the bridge is.

Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was crossing there with the mules.

Q Now I will ask you, Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in and out of the Cherokee Nation, well let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it. I was in the

Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a crop, I believe it was '74, and then in '77 I became an adopted citizen, and I have been here most of the time since.

Q Were you acquainted with the father and mother of these boys? A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.

Q You are positive that it was sometime in the month of December, '66? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.

Q In the Cherokee Nation? A They were in the Cherokee Nation because I and Crosby was driving a little bunch of mules we had, taking them over.

Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '66? A Yes, sir, to the best of my knowledge their family has lived and remained right there.

Q You have had occasion to see them oftentimes since then? A Very often, we were hunting stock there very often.

Q And you say that your knowledge and acquaintance with Callis is of a very intimate nature? A Yes, sir.

Q And character? A Yes, sir, he is a truthful, honest, straight, upright man so far as I know.

Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee funds.

MR. HASTINGS: When did you draw money? A I think it was in '79, and maybe '82, the record shows. Dawes Commission found me on the record, and you can find me there very easy.

Q Don't you know that they didn't pay out any money either in '79 or in '82 to anybody in the Cherokee Nation, and the records will show it? A Well I don't remember the exact year, but it was along there somewhere, I drew in Tahlequah and I drew in Vinita.

Q Do you remember more about when you saw Callis West than you do when you drew money for yourself? A I made no minute of that.

Q Well did you make any minute of seeing him? A I made a minute of some cows that he had got in.

Q Some cows? A They made some record, that I remember very well.

Q What's Callis' wife's name? A I don't know both; which, his first wife?

Q Yes, sir. A I don't remember what his first wife's name was.

Q How many children did he have when you first saw him? A Why he didn't have any one.

Q Did he have a wife? A No, sir, wasn't no wife.

Q About how old was he when you first saw him? A I don't know; he was a kid of a boy.

Q Don't have any idea about that? A No, I couldn't think anything about it.

Q With whom were you living when you first saw him? A I was living with myself.

Q Where? A Why I was going from Fort Smith to Jennie Lind and around; we had a bunch of cattle, they were scattered, and we had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas.

Q Who owned them? A Me and Jesse Crosby, that fell out of a two-story window in Fort Smith, and broke his neck in two.

Q He isn't alive now? A No, sir, he's dead now.

Q Did you know any other Cherokees over there in '66? A Why I think I did. Uncle Billie Wilson.

Q He's dead, too? A Yes, sir.

Q Was he there in '66? A He was quartered there in '66 I think.
Q Now, Mr. Williams, Walker Mayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 4th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Mayfield swore.

Q Well do you say that isn't true?

MR. McREA: You say that Walker Mayfield has testified to that in this case?

MR. HASTINGS: No, I say he has testified and the record shows.

MR. McREA: This record?

MR. HASTINGS: Yes, sir.

MR. McREA: This judgment just offered here?

MR. HASTINGS: Yes, sir.

Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Mayfield here. Whether he went back into the state and come back again into the Nation I don't know.

Q Mrs. D. M. Faulkner swore in '96 that her uncle, Walker Mayfield, came there about the first of April, '67, and that she was teaching school in that vicinity, and that she went out there to see him. Do you say now that you put your judgment, and you a stranger, as against those who were blood relatives? A I put my recollection, I am telling just as I remember it; it certainly was just before Christmas that we drove our mules over, and the family was certainly there; to the best of my recollection it was just before Christmas.

Q D. M. Faulkner, who lives at Hanson, swears that Walker Mayfield, who was his wife's uncle, came back in '67 in April, do you dispute that? A Why I am not disputing; I am telling you the best of my recollection, and I recollect where I first saw Walker Mayfield when I came back from Texas.

Q Did you know him before the war? A I had seen him a few times.

Q Where did he live? A He lived right close to where the railroad runs now.

Q Did you see him there? A Met him in Fort Smith, and I have seen him over in the Nation.

Q In the Nation before the war? A Yes, sir, I was all through that country before the war.

Q Was Walker Mayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.

Q Did you ever leave the Cherokee Nation before the war? A I had a home, a solid home, in the Cherokee Nation before the war as a matter of fact.

Q Well now where did you keep those cattle in the Cherokee Nation in '66? A We bought some cattle in the Cherokee Nation.

Q Well where did you keep them though? A Just bought them and let them run until we come and drove them out.

Q Then they were just scattered on the range? A Scattered all around, they was all over there; and I bought some from a woman by the name of Price.

Q Where did she live? A Somewhere on Camp creek.

Q You have just now been rejected by the Commission as an applicant for citizenship, haven't you? A Yes, sir, I don't care anything about the rejection. I would rather be a white man than a Cherokee so far as my preference is concerned.

Q Well you have got your preference? A I have got it, too. The young clerk here, I like him splendid for giving me my preference.

Q Well you just answer my questions. Now you are willing to swear as against these other people that this family came back there

just before Christmas, '88? A To the best of my knowledge.

Q Then you are not positive about it? A To the best of my knowledge. That's what the young man qualified me to swear, to the best of my recollection.

MR. McREA: You have knowledge of years, haven't you? A It seems to me like I ought to have; I was born in '41, and I was a United States soldier, and I ought to have been old enough to have some knowledge of things. I wouldn't story for Callis West to get into the Cherokee Nation.

Q Well you aren't any more likely to be mistaken in your statement than Mr. Mayfield would be in his? A No, sir.

MR. HASTINGS: But Mr. Mayfield testified in '78, only 12 years after that time.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: D-988, being that of Nancy Starr; D-990, being that of George West et al; D-1000, being that of Callis West; D-1032, being that of Eugenia Harris et al; and D-1054, being that of Callis West, and in the case at bar, D-833, the same being the case of Houston West et al. It appears from the records of the Commission that the above named applicants are all represented by A. S. McRea.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 2nd day of July, 1902.

Seal

[Signature]
Notary Public.

Department of the Interior Washington D. C.
 Commission to the five civilized tribes.
 In the matter of the Application for the enroll-
 -ment of the consolidated Applications of
 Houston West et al. Cherokee Freedmen D 989
 George West et al " " D 990
 Callis West, " " D 1000
 John West " " D 1030
 Lugenia Harris " " D 1032
 Callis West " " D 1054
 Julia, A Jones et al " " D 1104
 As Cherokee freedmen.

To Hon. E. A. Hitchcock Secretary of the
 Interior Department Washington D. C.
 The undersigned petitioners applicants for
 Cherokee citizenship as freedmen,
 would most respectfully represent and
 show:

That Applications were made to the commission
 to the five civilized tribes of Indians in the
 Indian Territory by the above named freedmen
 to be enrolled as Cherokee freedmen.

And after the commission had heard the
 evidence in the case, the commission
 to the five civilized tribes rendered their
 decision rejecting the applications of the
 above named applicants on the 4th of August 1904
 as of Julia A. Jones July 1st 1903.

Your petitioners therefore Alleges:

That Henry and Phoebe West deceased the former
 owner of whom was Walker Mayfield Cherokee
 Citizen by blood, that is to say Henry and

Chorbe West was the former slave of Walker
Mayfield Cherokee citizen at the commencement
of the war of the rebellion - and that the said
Henry and Chorbe West deced and their children and
grand children were taken out of the Cherokee
Nation during the war of the rebellion to
avoid the Federal Governments troops and the
said Henry and Chorbe West deced the
Principal Applicant in this case through whom
all of the above named applicants claimed
their right to enrollment as Cherokee freedmen
returned back to the Cherokee Nation during
the month of December 1866 -

That said Applicants arrived at Fort Smith Ark.
just ~~at~~ ^{upon} ~~the~~ days ~~before~~ ^{or} Christmas ^{on Dec} 1866 and ^{on} the
26th or 27th of December 1866 the applicants
crossed the Arkansas river into the said
Cherokee Nation and there in the nation
on or near the Arkansas river banks the said
Henry and Chorbe West then living and was at
the head of the West family of freedmen
went into camp and said applicants
continued in camp on or near the
Arkansas river banks until the last of
March 1867.

Petitioner Alleges Further;

That the Applicants was necessarily compelled
to go into camp on the Arkansas river bank at the
time above stated, on account of the fact that
Walker Mayfield's farm was occupied by Geo. Hughes
a loyal Indian who held possession of the Walker
Mayfield's farm until the last of March 1867 =

the applicant was without a place to go to until the said walk Mayfield's farm was vacated by Gen. Hughes - And as soon as the walk Mayfield's farm was vacated the said Henry and Phoebe West together with their children and grand children moved out on the said Mayfield's farm which is about 3 miles from their camp on the Arkansas river opposite Fort Smith in the Cherokee nation where the said applicants had been encamped since the 26 or 27th day of December 1866 -

Petitioners Alleges Further

That the Cherokee nation alleges that the applicants did not return to the said nation until a few days before the said applicants removed upon the walk Mayfield's farm: ^{certainly} said allegation is a misrepresentation ^{for the applicants had before that time been camped opposite Fort Smith.} of the facts in the matter. For on 20 day of Aug- 1864 the Petitioners discovered and secured the evidence of Mr. Sam. Hughes of Fort Smith age 59 years and who ~~was~~ ^{was} ~~been~~ a hand working on the ferry boat at Fort Smith since 1864-5 - and Grandville Crumshaw age 72 years who was one among the friends who aided the applicants in getting food for the children and supplying ^{their} ~~our~~ needs.

The evidence of these witnesses will clearly and conclusively show that the applicants and their children and their grand children arrived at Fort Smith Ark. in December a few days before Christmas = 1866 = and that the applicant crossed the Arkansas river into the Cherokee nation on the 26 or 27th of December 1866

which testimony ~~will~~ ^{will} corroborate the
the evidence of Harrison Foreman given in
the applicants ^{case} at the original hearing of the case,
Petitioners Further alleges that the Cherokee nation avoided
the citizens who was living at or near where
the applicants was encamped who knowd when
the applicant ^{were captured} at the above mentioned place
in a time between December 1866 and the last
of March 1867, and before the applicants
had need of these persons, who were living in
the locality where the applicants were then
encamped as witnesses: The citizens of the
Cherokee nation had then ~~in~~ organized an
association whose object was to forbid
any recognized citizen or citizens of
the Cherokee nation ^{from} swearing or testifying
in behalf of ^{the proceedings who were carried out by the nation} any doubtful applicants,
which association is still in existing
in said nation it is therefore a very
difficult task to get witnesses for the
doubtful applicants among Cherokee nation citizens

Petitioners Further alleges

That this motion is not made ~~is~~ merely to delay
the settlement of matters in said nation, but
by carefull, and due diligence we have
just discovered and secured new
testimony which is material in our
case which is sufficient grounds for a
re hearing, and applicants claims granted
Petitioners have made due diligence in trying
to get up more and material testimony in
the case which testimony they knew not of
at the original hearing of the case =

57356-04

64722

OFFICE OF
India Affairs
Rec. SEP 19

1904

Houston Hospital

Rel. to their applica-
tions for enroll-
ment as to be all
free children.

1000

~~20~~

Department of
Sept 17 1904
Respectfully
the Commission
Affairs for
ion.

Shoehan

Acting Secretary

Department of
RECEIVED

SEP - 8 1904

No. 7717

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... 103.

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Incl... 2 ...

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Petitioners Alleges, that the testimony at original hearing of Case was not closed by the applicants but was left open for the introduction of more testimony and the said commission informed the applicants that if they should need ~~more~~ more evidence in support of their ^{claims} would be duly notified of that fact.

But instead of so notifying the applicant of the need of more evidence in support of their claims it seem that the ^{commissioner} allowed Mr F. W. Hastings the attorney for the said Nation to introduce the testimony of Mr Wm Harrage who was living in the state of Texas in 1866 and ~~did~~ never ~~got~~ come back here until the year of ~~1870~~ 1873 = whose evidence was all hearsay as was others.

Therefore: Your petitioners believing that the applicants should be enrolled as Cherokee freedmen asks that the decision of the Commission to the (5) fine civilized tribes be reversed and set a side, and they placed upon the roll as Cherokee freedmen.

A Copy of this motion has this day been duly served upon the Attorneys for the Cherokee Nation Huston West

Witness to mark.
A. B. Schuck
i. C. J. Williams

Callis ^{had} West
mark

Seal
Seal

Petitioners

Sworn to and subscribed before me this 31st day of Aug. 1904

A. B. Schuck
Notary Public
Sebastian County

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

In the matter of the application of Houston West, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Houston West, et al.,.....	Cherokee Freedmen	D	989
George West, et al.,.....	"	"	D 990
Callis West,.....	"	"	D 1000
John West,.....	"	"	D 1030
Lugenia Harris, et al.,...	"	"	D 1032
Callis West,.....	"	"	D 1054

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Houston West for himself and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George, Jr., Jessie, Albertha and James West as Cherokee Freedmen, and for his wife, Lizzie West, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Lizzie West, as such, will not be passed upon or considered in this decision; by Callis West (son of Henry West), for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris, and by Callis West (son of Houston West), for himself.

The evidence shows that the applicants, Houston West and Callis West, together with their parents, Henry and Pheobe West, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified, in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation; that all the other applicants herein, except Lizzie West, John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), are descendants of Henry and Pheobe West, or of Houston West, and, having been born since 1866, their rights to enrollment are derived solely through their said ancestors.

The evidence further shows that the said John West, Lugenia Harris and Janie Harris were born since 1866, and are the descendants of Bose West and Millie West; and that they acquired no greater rights, as Cherokee Freedmen, than were possessed by their said ancestors. It does not appear that either Bose West, or Millie West

was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. None of said applicants' names are found on the 1880 authenticated Cherokee roll.

It further appears that the said James West died on June 17, 1902.

Section twenty-five of the act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

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

It is, therefore, the opinion of this Commission that the applications for the enrollment of Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George West, George West, Jr., Jessie West, Albertha West, Callis West (son of Henry West), John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered that the application for the enrollment of James West as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of the law above quoted.

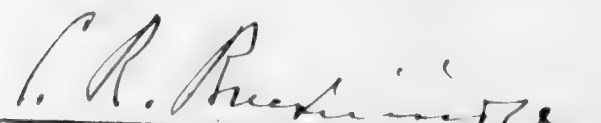
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this AUG -5 1904

FILED
OCT 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.

OFFICE OF THE HONORABLE COMMISSIONER OF INDIAN AFFAIRS

In the matter of the application of Houston West et al for enrollment as Cherokee Freedmen consolidating the applications of:-

Houston West et al.....Cherokee Freedmen D. 989
Geo. West et al.....Cherokee Freedmen D. 990
Callie West et al.....Cherokee Freedmen D. 1000

MOTION TO RE-OPEN AND TAKE ADDITIONAL TESTIMONY

Comes now petitioners:- Houston West for himself and his children Ida, Nancy, Fanny, Georgia, and William West.

Geo. West for himself and his children George, Joe, Jennie and Albertina West and Callie West (son of Henry West) and Callie West (son of Houston West) and move that the above styled cause be re-opened and that they be allowed to introduce additional testimony for the purpose of establishing their rights as citizens in the Cherokee Nation as Cherokee Freedmen approved and for the same reasons as alleged.

1st., That the decision of the commission to the five civilized tribes taken at Muskogee, I. T. August 15, 1904, found that Houston and Callie West were the slaves of a Cherokee citizen being the children of Henry and Pheobe West who were also the slaves of a Cherokee citizen and residents of the Cherokee Nation up to the beginning of the rebellion, which being a fact would entitle the applicants aforesaid to enrollment as Cherokee Freedmen, provided that after the war of the rebellion they returned to the Cherokee Nation and took up their residence there prior to the 11th day of Feb, 1867 as decided by the Court of Claims on Feb. 3rd 1896 in the case of **Wes Whitmire trustee vs. Cherokee Nation**. The commission finds that proof heretofore taken does not establish the fact of such return.

2nd., That since the taking of the commission to the five civilized tribes

of the testimony in this cause, witnesses have been found that at the time of the taking it was impossible to produce as the aforesaid applicants had no knowledge of the whereabouts of said and were unacquainted with the fact that they had witnesses of such certain and correct information.

That they can prove by (Anderson Tatum) that he was acquainted with Houston and Callie West in 1866 and the earlier part of 1867 and that they did return in the late part of 1866 and to take up their residence in the Cherokee Nation previous to the 11th day of Feb. 1867 that they can prove by Sam. Hughes

that he ferried the applicants across the Arkansas river at Ft. Smith to the Cherokee Nation on the day after Christmas 1866 and that they can prove that he has continuously been a resident of the Cherokee Nation, and was recognized as Cherokee citizens.

That they can prove the same by Granville Crenshaw

That they can prove the same by Leon Johnson

That they can prove the same by Howard son Brooks

Your petitioners further allege that they are uneducated and were at the time of the taking of the testimony of this case ignorant of the character of the proof necessary to the establishment of their rights as Cherokee Freedmen and are id.

WHEREFORE your petitioners pray that this cause be referred back to the consideration of the five civilized tribes and that an order be made allowing them to introduce the testimony of the witnesses herein above named and such other testimony pertaining to the issue involved as they may be able to produce and will ever so p r y .

Very respectfully submitted

Neal & Lovelock
Attorneys for Petitioners

State of Texas Indian Territory
The Northern Judicial District

We Houston West, Callie West and George West on oath attest that the matters of facts set out in the above and foregoing petition are true and correct .

In

John T. West

George West

Witness

Don West
H. L. West

Callis his West
PETITION

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

A. D. 1904

H. L. Rogers
Notary Public

My commission expires
Sept. 1, 1908

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 CHEROKEE LAND OFFICE.
 Tahlequah, I. T., February 10, 1905.

In the matter of the application of Houston West for the enrollment of himself and children, Ida, Nancy, Fannie, Georgie and William West, as Cherokee freedmen, Cherokee 1414.

SUPPLEMENTAL TESTIMONY.

SAM SANDERS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Sam Sanders.
 Q How old are you? A 25.
 Q What is your post-office? A Roland.
 Q Are you a Cherokee freedman? A Yes.
 Q Are you married? A Yes.
 Q When did you marry? A The 5th of October, 1901.
 Q Whom did you marry? A Fannie West.
 Q Is she a citizen of the Cherokee Nation? A Yes.
 Q You and she living together now? A Yes.

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

Stuart B. Stone

Subscribed and sworn to before me
 this 10th day of February, 1905.

John
 Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 CHEROKEE LAND OFFICE.
 Tahlequah, I. T., May 26, 1905.

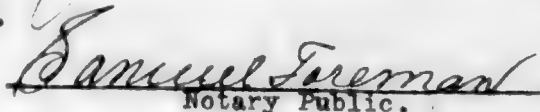
In the matter of the application of Houston West for the enrollment of himself and children, Ida, Nancy, Fannie, Georgie and William West, as ~~with~~ by Cherokee Freedmen. No. F-1414.

IDA CASTLEBERRY, being duly sworn by Joe Chambers, a Notary Public, and examined by the Commission, testified as follows:---

- Q What is your name? A Ida Castleberry.
 Q How old are you? A 23.
 Q What is your post-office? A Rowland.
 Q Are you a citizen of the Cherokee Nation? A Yes sir.
 Q In what way? A Freedman.
 Q What is the name of your father? A Houston West.
 Q Have you married since you were enrolled? A Yes sir.
 Q What is the name of your husband? A Fred Castleberry.
 Q Is he a citizen of the Cherokee Nation? A No sir.
 Q When were you married? A It's been three years ago.
 Q What month? A January 23.
 Q 1902? A Yes sir.
 Q Are you and he living together now? A Yes sir.
 Q There is enrolled with ~~the~~ your father one Georgie West shown by the Commission's records to be a boy. Is that correct? A No sir. It's a girl.
 Q That's your sister? A Yes sir.

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 9th day of June, 1905.


 Notary Public.

1
MAR 2

Handwritten signature or scribble

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. FOSTER WEST,
Commissioner,
Cherokee Agency,
Muskogee, Ind. Ter.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Muskogee, Indian Territory, July 3, 1902.

Sam Sanders,

Muldrow, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 26, stating under what name your wife was listed for enrollment by this Commission as a Cherokee Freedman, and from this information she has been duly identified upon the Commission's records.

It appears that you and your wife have been married since the date of her application for enrollment, and before the affidavit which you send as to the birth of your child Annie Sanders can be further considered, it will be necessary that you supply the Commission with the original or a certified copy of your marriage license and certificate showing your marriage to Annie West. Please give this matter your prompt attention.

Yours truly,

Commissioner in Charge.

Cherokee Freedmen
1-508.

Muskogee, Indian Territory, March 20, 1904.

Couston West,

Muskogee, Indian Territory.

Dear Sir:

In accordance with the verbal request of your attorney,
A. S. McKee, Muskogee, Indian Territory, the Commission has granted
a further hearing in the case of your application for the enroll-
ment of yourself and children as Cherokee Freedmen.

You are therefore advised that you will be given an oppor-
tunity to introduce further testimony before the Commission at its
offices in Muskogee, Indian Territory, on Wednesday, April 14, 1904,
at nine o'clock A. M.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-989.

Muskogee, Indian Territory, March 23, 1904.

A. S. McRea,

Attorney for Houston West et al.,
Muskogee, Indian Territory.

Dear Sir:

In accordance with your verbal request the Commission has advised Houston West that he will be given opportunity to introduce further testimony in the matter of his application for the enrollment of himself and his children as Cherokee freedmen.

This testimony may be introduced before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, April 6, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-989.

Muskogee, Indian Territory, March 23, 1904.

2

W. W. Hastings,

~~Attorney for Cherokee Nation,~~
Tahlequah, Indian Territory.

Dear Sir:

In accordance with the verbal request of A. S. McRea, Muskogee, Indian Territory, attorney for Houston West et al., the Commission has advised said Houston West that he will be given an opportunity to introduce further testimony in the matter of his application for the enrollment of himself and children as Cherokee freedmen, before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A. M.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

D. C. 24239-1904.
I. T. D. 1168, 4648-1904.
4723-5406- *
L. R. C.

W. J. F.
FHE J. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

July 9, 1904.

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

Dear Sir:

July 11, 1903, you transmitted the record in the consolidated Cherokee Freedman case of Nancy Starr, et al, including your decision of July 1, 1903, respecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be excluded as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation, and directed to notify the attorney for the Cherokee Nation that he would be allowed thirty days within which to file any argument in the case he might desire, and the applicant ten days within which to answer same.

On May 25, 1904, you transmitted a motion on behalf of the applicants, to reopen and remand the case for further hearing. On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case. On June 9, 1904, said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which he states:

"The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The record before the Department fails to show that said Henry West was rejected by said Courts, or that he made application to said Courts for admission to citizenship in the Cherokee Nation, as is claimed by the attorney for said nation. It is desired that you report to the Department that the records of your office show relative to the action of the courts upon the application of Henry West, and if you have not a copy of the record concerning his application, it is desired that you procure same if possible and forward it direct to the Department to be considered in connection with the case.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

Cherokee Freedmen

D-990.

Muskogee, Indian Territory, August 15, 1904.

George West,

Tulsa, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for the enrollment of yourself and your three minor children, George Jr., Jessie and Albertha West, as Cherokee freedmen, and dismissing your application for the enrollment of your minor child James West, he having died prior to September 1, 1902. There has heretofore been furnished your former attorney, A. S. McKea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to your present attorneys, Blue & Clover, Vinita, Indian Territory, 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,

Encl. 8-63
Register.

Commissioner in Charge.

Cherokee Freedmen

D-989.

Muskogee, Indian Territory, August 15, 1904.

Houston West,

Muldrow, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 4, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for the enrollment of yourself and your five minor children, Ida, Nancy, Fannie, Georgie and William West, as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has been forwarded to him this day, 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,

Encl. 8-61.

Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-1000.

Muskogee, Indian Territory, August 16, 1904.

Callis West,

Cottonwood, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Encl. S-63.
Register.

Commissioner in Charge.

Cherokee Freedmen

D-1032.

Muskogee, Indian Territory, August 16, 1904.

Eugenic Harris,

Muldrow, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for the enrollment of yourself and your minor child, Janie Harris, as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Encl. S-65.

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen

D-1030.

Muskogee, Indian Territory, August 16, 1904.

John West,

Owasso, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Encl. S-64.
Register.

Commissioner in Charge.

001

Cherokee Freedmen

D-990.

Muskogee, Indian Territory, August 16, 1904.

Blue & Clover,

Attorneys for George West, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, the application of George West for the enrollment of himself and his three minor children, George Jr., Jessie and Alberta West, as Cherokee freedmen, and dismissing his application for the enrollment of his minor child, James West, he having died prior to September 1, 1902. There has heretofore been furnished these applicants' former attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings.

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

Respectfully,

Encl. B-67.
Register.

Commissioner in Charge.

Cherokee Freedmen
D-999-1000-1030-
1032-1054.

Muskogee, Indian Territory, August 17, 1904.

A. S. Moore,

Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 9, 1904, in the consolidated case of Houston West, et al., rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, George, William, Callis, John and Callis West, and Lucenia and Jamie Harris as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

Encl. 8-88.
Register.

Commissioner in Charge.

Cherokee Freedmen

COPY.

D-989-990-1000-
1030-1032-1064.

Mustoge, Indian Territory, August 17, 1904.

The honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Houston West, et al., including the Commission's decision, dated August 1, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Annie, Georgie, William, Callis, John, Callis, George, George Jr., Jennie and Albertha West, and Eugenia and Janie Harris, as Cherokee freedmen, and dismissing the application for the enrollment of James West, he having died prior to September 1, 1902.

Respectfully,

Encl. S-70.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D-939-990-1000-1030
-1032-1054.

Waskoee, Indian Territory, August 17, 1904.

Wastins, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision in the consolidate case of Houston West, et al., rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, George, William, Callie, John, Callie, George, George Jr., Jessie and Albertha West, and Tagenia and Junie Harris, as Cherokee freedmen, and Christian's application for the enrollment of James West, he having died prior to September 1, 1902.

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. S-69.

Commissioner in Charge.

Wichita ~~August~~ 1894

Hon. Commission

to the Five Civilized Tribes
Winstokeya, Tl,

Gentlemen

We have received
the decision to in the cases of Geo and Houston
Trust et al

Res: Blue & Loren

Refer in reply
to the following:
Land
57356-1904.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the Consolidated applications for enrollment as Cherokee freedmen by Houston West and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West; by Callis West (son of Henry West) for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris and by Callis West (son of Houston West) for himself.

August 5, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867; that all the other applicants except John West, Lugenia Harris and Janie Harris were born

since 1866, and are the descendants of Bose West and Millie West, and that they acquired no greater rights than were possessed by their ancestors. It does not appear that either Bose or Millie West were the slaves of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

A.C.Tonner

Acting Commissioner

M.M.M.
W.

D. C. 39949-1904
I.T.D. 7604-1904

(C O P Y)

W. C.F.
J.P.
FHE
L.R.S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 15, 1904.

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

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Houston West et al.

It appears that applications were made for the enrollment as Cherokee freedmen of Houston West and his minor children, Ida, Nancy, Fannie, Georgie, and William West; of George West and his minor children, George Jr., Jessie, Albertha and James West, and his wife, Lizzie West; of Callis West (son of Henry West); of John West; of Lugenia Harris and her minor child, Janie Harris; and of Callis West (son of Houston West). The application for the enrollment of the applicant Lizzie West as a Cherokee freedman by intermarriage was not passed upon by you, and is therefore not included in this decision.

It appears that the applicant James West died June 17, 1902. On August 5, 1904, you dismissed the application for the enrollment of James West, and decided that all the other applicants herein are not entitled to enrollment.

Reporting September 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved, and on September 21, 1904, he forwarded a petition, in behalf

of the applicants, praying for the reopening of the case.

It appears that Houston West, George West and Callis West are brothers of Nancy Starr; that their father was Henry West: that Houston West and Callis West were born prior to 1866; that they were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and returned with Nancy Starr. The applicant George West appears to have been born after the return of Henry West to the Cherokee Nation.

In the case of Nancy Starr the testimony in the case of Houston West was made a part of the record, and on September 17, 1904, the Department held that the evidence submitted concerning the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned prior to February 11, 1867.

It appears that the applicants John West and Eugenia Harris were born subsequent to 1866, and are son and daughter of Boce West, a brother of the applicant Houston West. The evidence shows that Boce West did not return to the Cherokee Nation prior to February 11, 1867.

Your decision, in so far as it affects said John West, Lougenia Harris and Janie Harris, is therefore approved. Your decision in so far as it affects Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George

West, George West Jr., Jessie West, Albertha West, Callis West
(son of Henry West), and Callis West (son of Houston West),
is reversed, and you are directed to enroll said applicants as
Cherokee freedmen.

A copy of the Acting Commissioner's letter is
inclosed.

Respectfully

1 inclosure

Thos Ryan
Acting Secretary

Cherokee Freedmen
D-989

Muskogee, Indian Territory, November 2, 1904.

Houston West,

Muldrow, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting, among others, your application for the enrollment of yourself and children as Cherokee freedmen, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll you and your children as Cherokee freedmen.

Respectfully,

Chairman.

Cherokee Freedmen
D-989

Muskogee, Indian Territory, November 2, 1904.

A. S. McRea,

Attorney for Houston West, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision date August 5, 1904, rejecting, among others, the application for the enrollment of Houston West and his minor children, Callis West, son of Houston West, and Callis West, son of Henry West, as Cherokee freedmen, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll all the applicants as Cherokee freedmen.

Respectfully,

Chairman.

Cherokee Freedmen
D-989-990-1000-1064

Muskogee, Indian Territory, November 2, 1904.

Felt, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, Lizzie, George Jr., Jessie, Albertha, Callis, (son of Henry West), and Callis (son of Houston West), as Cherokee freedmen, was reversed by the Secretary of the Interior on October 16, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
No. 1114.

Muscogee, Indian Territory, December 14, 1904.

Houston West,
Care of Neal & London,
Fort Smith, Arkansas.

Dear Sir:

The Commission is in receipt of your letter of December 6, asking to be advised whether or not the names of yourself, Callis West and Nancy Starr, and your families have been placed upon the final roll of Cherokee freedmen.

In reply you are advised that the names of yourself and the other parties mentioned in your letter have not yet been placed upon a final schedule of Cherokee freedmen and forwarded to the Secretary of the Interior for his approval.

You are further advised that you will not be permitted to make allotment selections until your enrollment has been finally approved by the Secretary.

Respectfully,

Jame Dixby.
Chairman.

Tahlequah, Indian Territory, July 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:-

Referring to schedule No. 6 of Cherokee Freedmen, heretofore approved by the Department, I have the honor to report that the sex of Georgie West, appearing thereon opposite No. 3870, should appear as female instead of male.

On May 26, 1905, Ida Castleberry appeared before the Cherokee Land Office and testified, in connection with the selection of an allotment for said child, that it is a female instead of a male, as reported by the Commission to the Five Civilized Tribes. A copy of said testimony is enclosed herewith.

I therefore, respectfully recommend that the copies of this schedule retained by the Department and in the Office of the Commissioner of Indian Affairs be corrected so that the sex of Georgie West thereon opposite No. 3870 will appear as female instead of male;

#2

that in the column marked "sex" the letter "Y" be made to appear, instead of the letter "M", and that this Office be advised to make similar changes upon the copies of the schedule returned to it.

Respectfully,

Commissioner to the Five Civilized Tribes.

Through the Commissioner
of Indian Affairs.

JC
Enc-C-65.

G.R.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

LLB

D.C. 20708
I.T.D. 544,8901-1905.
4471,4832-1906.

May 22, 1906.

L.R.S.

L.R.S.

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

Sir:

January 24, 1905 (I.T.D.544), the Department in re-manding the Cherokee freedman case of Carrie West et al. also remanded therewith the Cherokee freedman case of Houston West et al.

A careful search of the records of the Indian Office and the Department fails to show that the record in the case of Houston West et al. was returned by your office with the case of Carrie West et al.

For the purpose of a motion for review in the matter of the application of Lugenia Harris, for the enrollment of herself and her minor child, Jennie Harris, whose application appears to have been consolidated with the applications of Houston West et al. for enrollment as Cherokee freedmen, returned to the Commission to the Five Civilized Tribes with the record in the case of Carrie West et al., with departmental letter of January 24, 1905, you are requested to make a careful search of your office to ascertain if the record in the consolidated case of Houston

West et al., including the application of Lugenia Harris, for herself and her minor child, Jennie Harris, is still in your possession, and if so, to forward the same direct to the Department for consideration of a motion for review therein.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, June 5, 1906

DIRECT

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of May 22, 1906 (I.T.D. 544, 3901-1906, 4471, 4832-1906), you are advised that the record in the Cherokee Freedman consolidated case of Houston West et al., including the application of Eugenia Harris et al., has been found in the possession of this office, and as requested, is enclosed herewith.

Respectfully,

LMB

Commissioner

Encl. B-4

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

Waukoochee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233	-----	Mary Harris, et al.,
F-1234	-----	Joseph Curry,
F-1235	-----	Ostella Martin, et al.,
F-1236	-----	Harrison Curry,
F-1281	-----	Elisa Gaines,
F-1282	-----	Jane Webb,
F-1283	-----	Mary Mabry, et al.,
F-1284	-----	Berry Thompson, et al.,
F-1285	-----	Julia Nash,
F-1286	-----	Georgia Jones, et al.,
F-1287	-----	John W. Nash, et al.,
F-1288	-----	Malinda Johnson, et al.,
F-1289	-----	Martha Grooms, et al.,
F-1290	-----	Berry Nash,
F-1291	-----	Edward Nash,
F-1292	-----	Carrie Harris, et al.,
F-1293	-----	Ella Humes,
F-1295	-----	Michael Martin,
F-1296	-----	George Martin, et al.,
F-1297	-----	Joshua Martin,
F-1298	-----	Edward Brown, et al.,
F-1299	-----	Israel Martin, et al.,
F-1300	-----	Bellie Brown, et al.,
F-1301	-----	Harriett Tucker, et al.,
F-1302	-----	Lydia Carter,
F-1303	-----	Allie McElroy, et al.,

P-1304 ----- Robert Harper,
P-389 ----- Mary Robbins, et al.,
P-1414 ----- Houston West, et al.,
P-1416 ----- George West, et al.,
P-1416 ----- Callis West,
P-1417 ----- Callis West,
P-1494 ----- Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

LS

Indian Territory, July 14, 1906.

United States Indian Agent,
Union Agency,
Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	-----Mary Harris,
3440	-----Irene Harris,
3441	-----Olive Harris,
3442	-----Rheta Harris,
3443	-----Joseph Curry,
3444	-----Ostella Martin,
3445	-----Ira Martin,
3446	-----Cecil Martin,
3447	-----Roy Martin,
3448	-----Myrrh E. Martin,
3449	-----Harrison Curry,
3530	-----Eliza Gaines,
3531	-----Jane Webb,
3532	-----Mary Mabry,
3533	-----Frank Mabry,
3534	-----Berry Thompson,
3535	-----Elmer Thompson,
3536	-----Lee Thompson,
3537	-----Merrison Thompson,
3538	-----Julia Wash,
3539	-----Georgia Jones,
3540	-----John H. Jones,

Roll No.	Name.
3541	Ellen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralia Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter W. Grooms,
3566	Leuretha Grooms,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Humes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Gilfton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Laura Brown,
3585	Israel Martin,

Roll No.	Name.
3586	Lizzie Martin,
3587	Maggie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Nellie Brown,
3592	Roxie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clem Martin,
3599	Emma Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lydia Carter,
3605	Allie McElroy,
3606	Etta Taylor,
3607	Robert Harper,
3280	Mary Robbins,
3281	Dollie Rogers,
3282	Sherman Jones,
3866	Houston West,
3867	Ida West,
3868	Nancy West,
3869	Fannie West,
3870	Georgie West,
3871	William West,
3872	George West,
3873	George West, Jr.,
3874	Jessie West,
3875	Albertha West,
3876	Callis West,
3877	Callis West,
4079	Henry West,
4080	Callis West, Jr.,
4081	Cornelius West,
4082	Charlie West,
4083	Carrie West,
4084	Ella West,
4085	Watie West,
4086	Walter West,
4087	Sadie West,

Roll No.	Name.
4088 -----	Martha West,
4089 -----	Vinita West.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, September 28, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion made by the attorney for the Cherokee Nation to review the Cherokee freedmen cases of Houston West et al., D 989, George West et al. D 990, Callis West. D 1000, and Callis West. D 1054. This motion was filed with this office June 25, 1906. There is also transmitted herewith the reply to said motion made by the attorney for applicants.

These applications were included in the Cherokee freedmen consolidated case of Houston West et al., D 989 et al., in which the Commission to the Five Civilized Tribes, on August 5, 1904, rendered its decision rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, George Jr., Jessie, Albertha, Callis (son of Henry West), and Callis West (son of Houston West). The decision of the Commission

Secretary-2

adverse to said applicants was reversed by the Secretary of the Interior, October 15, 1904 (I.T.D. 7604-1904) and said applicants ordered enrolled as Cherokee freedmen.

The Nation asks for a review of the department's decision as to the above named applicants, and that they be rejected for the reason that Henry West, father of the principal applicants, Houston, George, and Callis West, and grandfather of all the other applicants, was denied citizenship in the Cherokee Nation by the Supreme Court of said Nation on June 15, 1871; that on June 12, 1878, said Henry West, having applied to the Chambers Court for Cherokee citizenship, was denied by said Court, and that, under the rulings of the Department in the Cherokee freedman cases of John Morgan, rendered March 5, 1906 (I.T.D. 10716-1905), and Harry Still, rendered October 5, 1906 (I.T.D. 7658-1904, 13208-1905), the applicants are not entitled to enrollment as Cherokee Freedmen.

The Department in its decision of October 15, 1904, found that Houston, George and Callis West, are brothers of Nancy Starr; that their father was Henry West;

Secretary-3

that Houston and Callis West were born prior to 1866 and were slaves of a Cherokee citizen at the beginning of the war; that they were taken out of the Cherokee Nation during said war, and that they returned to the Cherokee Nation with Nancy Starr. The Department, on September 17, 1904 (I.T.D. 6943-1904) held that the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned thereto prior to February 11, 1867; the decision of the Commission to the Five Civilized Tribes dated July 1, 1903, holding that, among others, Nancy Starr was not entitled to enrollment as a Cherokee freedma, was reversed by the Department..

The record of proceedings had in the case of Nancy Starr, et al., and also in the case of Houston West, et al., shows the proceedings had before the Supreme Court of the Cherokee Nation and the Chambers Court, and the Department, referring to said proceedings, in the Starr case held:

"The Department does not consider that the decision of the courts above referred to in the case of Henry West are binding upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show

Secretary-4

that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867."

The Departmental decisions cited by the Attorney for the Cherokee Nation in the Morgan and Still cases (I. T. D. 10716 and I. T. D. 7658-1904, 1, 208-1905, respectively), are directly upon the point as to what weight should be given decisions by the Cherokee courts, and inasmuch as they are at variance with the position taken by the Department in the Starr case, it is respectfully recommended that the Department's decision of October 15, 1904, in the Houston West case, be reconsidered. See also Departmental decision of September 7, 1906 (I. T. D. 15372-1906), in the Cherokee freedman case of Amos Adair et al.

The record shows that the Indian Office, on September 21, 1904, transmitted to the Department a petition in behalf of applicants for a rehearing of their case, and this office considers that before any action adverse to

Secretary-8

the applicants is taken, they should be given a further opportunity to be heard.

The records of this office show that the names of the applicants to which the Nation's motion refers, are included in a schedule of Cherokee freedmen approved by the Department April 19, 1906, opposite Nos. 3866 to 3877, inclusive; that applications for the selections of allotments of land in the Cherokee Nation for all of said parties have been made; that certificates describing the land selected for them, except as to the homestead designated for William West, Roll No. 3871, have been issued, and that no deeds describing land selected for them have been prepared. In this connection reference is made to Departmental decision of July 19, 1906 (I.T.D. 9562-1905, 7502-1906), in the Cherokee freedman case of James Rogers.

Immediately upon receipt of the Nation's motion for a review in the West case the United States Indian Agent, Union Agency, Muskogee, Indian Territory, was advised thereof.

Respectfully,

Through the
Commissioner of Indian Affairs.

L. H. B.

Encl. B-79

G. L. H. J. R. O. E. L.
Commissioner

Copy.

Land
100307-1905
49765-1906
86139-1906

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

October 29, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter from Commissioner Bixby, dated September 28, 1906, with which is enclosed a motion made by the attorney for the Cherokee Nation to review the Cherokee freedmen cases of Houston West et al., D 989, George West, et al. D 990, Callis West D 1000, and Callis West, D 1054. This motion was filed with the office of the Commissioner to the Five Civilized Tribes June 25, 1906. There is also transmitted the reply to that motion made by the attorney for the applicants.

Commissioner Bixby reports that these applications were included in the Cherokee freedmen consolidated case of Houston West et al., D 989, in which the Commission to the Five Civilized Tribes on August 5, 1904, rendered its decision rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Pannie, Georgie, William, George, George, Jr., Jessie, Albertha, Callis, (son of Henry West), and Callis West, (son of Houston West.)

The decision of the Commission adverse to the applicants was reversed by the Department October 15, 1904, (I.T.D. 7604-1904),

and the applicants ordered enrolled as Cherokee freedmen. The Cherokee Nation, through its attorney, asks for a review of the Department's decision as to the above named applicants, and that they be rejected for the reason that Henry West, father of the principal applicants Houston, George and Callis West, and grandfather of all the other applicants, was denied citizenship in the Cherokee Nation by the supreme Court of that nation on June 15, 1871; that on June 12, 1878, Henry West having applied to the Chambers Court for Cherokee citizenship, was denied by that court, and that under the rulings of the Department in the Cherokee freedmen cases of John Morgan, rendered March 5, 1905, (I.T.D. 10716-1905), and Harry Still, rendered October 5, 1903, (I.T.D. 7656-1904, 13208-1905), the applicants were not entitled to enrollment as Cherokee freedmen.

The Department in its decision of October 15, 1904, found that Houston, George and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston and Callis West were born prior to 1866 and were slaves of a Cherokee citizen at the beginning of the War of the Rebellion; that they were taken out of the Cherokee Nation during the war, and that they returned to the Cherokee Nation with Nancy Starr.

The Department on September 17, 1904, (I.T.D. 6943-1904) held that the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned thereto prior to February 11, 1867, and the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, holding that, among

others, Nancy Starr was not entitled to enrollment as a Cherokee freedman was reversed by the Department.

Commissioner Bixby reports that the Departmental decision cited by the attorney for the Cherokee Nation in the Morgan and Still cases, (I.T.D. 10716-1904), and (I.T.D. 7658-1904), 13208-1905), are directly on the point as to what weight should be given decisions by the Cherokee courts, and he says that inasmuch as they are at variance with the position taken by the Department in the Starr case, he recommends that the Department's decision of October 15, 1904, in the Houston West case be reconsidered.

The records show that the names of the applicants to which the nation's motion refers are included in a schedule of Cherokee freedmen approved by the Department April 19, 1905, opposite numbers 3866 to 3877 inclusive; that applications for the selections of allotments of land in the Cherokee Nation for all of the parties have been made; that certificates describing the land selected for them, except as to the homestead designated for William West, roll number 3871, have been issued, and that no deeds describing the lands selected for them have been prepared.

The record in the case is inclosed herewith.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

EBM-KEN.

Copy

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

LAND:
103300-1906.

December 8, 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 November 23, 1906, enclosing a motion by the attorney for the Cherokee Nation, filed in his office June 25, 1906, asking for a review of the Cherokee freedmen case of Henry West et al., children of Callie West.

The record in the case of Callie West was transmitted to you in Office letter of October 29, 1906, (Land: 100307-1905, 49765-1906, 86139-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KVB-EH

Muskogee, Indian Territory, January 9, 1907

Special.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a decision of the Commissioner to the Five Civilized Tribes dated January 9, 1907, rejecting the application for the enrollment of Ada Kilpatrick, Ivy Kilpatrick, Warren Kilpatrick, Easter Kilpatrick and Mariah Freeman, as Cherokee Freedmen, together with the record of proceedings had in the case.

The principal applicants in this case, Ada Kilpatrick and Mariah Freeman, are children of Callis West, son of Henry West, and the name of Callis West appears upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior April 19, 1905, opposite Number 3876. In connection with this case the Department's attention is called to this office's report of September 28, 1906, transmitting a motion by the Attorney for the Cherokee Nation to review the Cherokee freedman case of Callis West, father of Ada Kilpatrick and Mariah Freeman, and other

Secretary-2

cases with which the case of Callis West was consolidated.

This office on that date recommended that the Nation's motion for a review be granted, and that the consolidated case of Houston West, et al., including the case of Callis West, in which the Department, on October 15, 1904 (I.T.D. 7604-1904), reversed the decision of the Commission to the Five Civilized Tribes adverse to the applicants, and ordered their enrollment as Cherokee freedmen. The proceedings had in the West cases, and the status of the land for which the applicants in said case have applied to take as allotments, were set out fully in this office's report of September 23, 1906.

The applicants in the case herewith transmitted possess no rights to enrollment as Cherokee freedmen other than as descendants of said Callis West. The record in the case seems to show beyond any doubt, that Callis West and the other principal applicants embraced in the Cherokee freedmen case of Houston West et al., did not return to the Cherokee Nation within the time required to entitle them to Cherokee freedman citizenship.

It is suggested that the Department consider

Secretary-43

the record in the case herewith transmitted in connection with the Nation's motion for a review of the West case.

In view of the record in this case it is respectfully recommended that the Department reverse its said decision of October 15, 1904 , favorable to the applicants in the case of Houston West et al., and that the applicants in that case be denied enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-28

Commissioner

COPY

LAND
3189-1907

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

January 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from W. V. Hastings, attorney for the Cherokee Nation, dated January 8, 1907, with which is enclosed supplemental motion in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen.

The files of this Office show that the record in the case of Houston West, et al., was transmitted to the Department with Office letter of October 29, 1906.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

ALM-EM

Copy

4485-1907.

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

January 23, 1907.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from W. W. Hastings, attorney for the Cherokee Nation, dated January 13, 1907, with which is enclosed second supplemental motion in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen.

The record in the case of Houston West, et al., was transmitted to the Department with Office letter of October 29, 1906.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KHM-C

DIRECT.

W.H.M. JJr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

24838-1906.
I.T.D. 21812- "
1458-1907.
1660- "

February 12, 1907.

LRS

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

Sir:

On October 29, 1906, the Indian Office transmitted your report, dated September 28, 1906, forwarding a motion for review and to reject, filed by the attorney for the Cherokee Nation, in the matter of the applications of Houston West, et al., D. 989, George West, et al., D. 990, Callis West, et al., D. 1000, and Callis West, et al., D. 1054, for enrollment as Cherokee freedmen. You recommended that a further hearing be had in these cases.

On December 8, 1906 (Land 103, 300), the Indian Office transmitted your report, dated November 23, 1906, forwarding a motion for review, filed by the attorney for the Cherokee Nation, in the matter of the application of Henry West, et al., children of Callis West, for enrollment as Cherokee freedmen.

On January 21, 1907 (Land 3189), the Indian Office transmitted a communication from the attorney for the Cherokee Nation, forwarding a supplemental motion in the matter of the application for enrollment of Houston West, et al., as Cherokee freedmen.

On January 23, 1907 (Land 4485), the Indian Office also transmitted a communication from the attorney for the Cherokee Nation, forwarding a second supplemental motion in the matter of the application for enrollment of Houston West, et al., as Cherokee freedmen.

In view of Section 2 of the Act of April 26, 1906 (34 Stat., 137), even if a prima facie case for a rehearing was presented, the Department would not be warranted in ordering a rehearing at this late date. All the motions are accordingly denied.

Copies of the Indian Office letters are enclosed. The papers in the cases are returned for the files of the Indian Office, together with a copy hereof.

Respectfully,

Thos Ryan

First Assistant Secretary.

4 enclosures.
18 enclosures to Ind. Of.

A .P. Mc
2-13-07

Cherokee F-1414
1415-1416-1417

COPY

Muskogee, Indian Territory, March 8, 1907.

Houston West,

Roland, Indian Territory.

Dear sir:

You are hereby advised that the motion for rehearing of the Cherokee freedman case of yourself and others, was denied by the Secretary of the Interior, February 12, 1907.

Respectfully,

MH

SIGNED *Tams D. ...*
Commissioner.

Cherokee F-1414,
1415, 1416, 1417

COPY

Muskogee, Indian Territory, March 8, 1907.

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

Dear sir:

You are hereby advised that the motion for rehearing of the Cherokee freedman case of Houston West, et al., was denied by the Secretary of the Interior February 12, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

G. M. Jones

Enc. M-97

Commissioner.

MH

Muskogee, Indian Territory, March 14, 1907.

Chief Clerk,
Cherokee Land Office.

Dear Sir:

You are advised that the motion filed to review the following Cherokee freedmen enrollment cases was denied by the Secretary of the Interior February 12, 1907:

Houston West, et al.	Cherokee freedmen 1414
George West, et al.	Cherokee freedmen 1415
Callis West	Cherokee freedman 1416
Callis West	Cherokee freedman 1417

Respectfully,

vwp

Commissioner.

D.C. 28536-1907.

I.T.
47959-1907.

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

GAW

June 5, 1907.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

On May 17, 1907, the Department denied motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application of Houston West, et al, for enrollment as Cherokee freedmen. You are requested to advise the interested parties of the Department's action.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

GAW-OH.

Cherokee F 1414.

Muskogee, Indian Territory, June 11, 1907.

Houston West,

Roland, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application for the enrollment of yourself and others as Cherokee freedmen was denied by the Department on May 17, 1907.

Respectfully,

S.V.

Commissioner.

Cherokee F
14141et al.

Muskogee, Indian Territory, June 11, 1907.

A. S. McRea,
Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental decision of February 12, 1907, in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen was denied by the Department May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl. V-41.
S. V.

Commissioner.

Cherokee F
1414 et al.

Muskogee, Indian Territory, June 11, 1907.

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

Dear Sir:

You are advised that your motion to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl. V-42.
S.W.

Commissioner.

Cherokee F 1415

Muskogee, Indian Territory, June 11, 1907.

George West,

Tulsa, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application for the enrollment of yourself and children as Cherokee freedmen was denied by the Department May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl. W-40.
S.W.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 13 1902

[Handwritten signature]

[Handwritten mark]

Murphy 23 5/19/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of

Houston West et al

for enrollment as

citizens

of the Cherokee Nation.

A. S. Mea,

Cherokee RD No. 989

REGISTRY RECEIPT.

Post Office at *Bunge ik*

Registered Letter Parcel No. *1* Rec'd *8/6*

190*6*

of *Houstaik i. ik*

addressed to *W. W. Hastings*

Tahlequah ik

J. M. Brown P. M.

REGISTRY RECEIPT.

Post Office at *Vineta I. I.*

Registered Letter Parcel No. *146* Rec'd *8/29* 190*6*

of *J. C. Star*

47 Gibson I. I.

addressed to *Houstaik West*

Orulchow I. I.

West B. A. I.

Cher Fr 1415

Trans. from Cher Fr D990

Cher Fr 1415

A

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 1st, 1901.

In the matter of the application of George West for the enrollment of himself and four children as Cherokee freedmen and for the enrollment of his wife as a Cherokee freedman by inter-marriage; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q. What is your name? A. George West.
Q. What is your age? A. 34.
Q. What is your post office address? A. Tulsa.
Q. In what district do you live? A. Cooweescoowee.
Q. Do you want to be enrolled as a Cherokee freedman? A. Yes, sir.
Q. Who else do you want to have enrolled? A. Four children.
Q. What are their names? A. George West Jr.
Q. How old? A. 8 years.
Q. Next? A. Jessie.
Q. How old. A. 6 years.
Q. Next? A. Albertha.
Q. How old. A. 2 years.
Q. Next? A. James.
Q. How old? A. 3 months.
Q. Are these children living? A. Yes sir.
Q. Are you married? A. Yes sir.
Q. What is your wife's name? A. Lizzie.
Q. Is she living? A. Yes sir.
Q. Is she the mother of your children? A. Yes sir.
Q. Is she a citizen? A. No sir.
Q. Do you apply for her as a Cherokee freedman by inter-marriage? A. Yes sir.
Q. What is her age? A. 28.
Q. Is your name on any of the rolls of the Cherokee Nation? A Yes sir, on the Wallace and Kern Clifton roll.

The Kern Clifton roll examined and the name of the applicant found thereon as follows-

Page 111 No. 2771, George West, Illinois district.
Page 111 No. 2772, George West Jr. " "

Applicant not found on the 1880 or 1896 rolls.

Wallace roll examined and the name of the applicant found thereon as follows-

Page 147 No. 3064, George West, Sequoyah district.

- Q. Were you a slave? A. No sir.
Q. Born since slave times? A. Yes sir.
Q. What is your father's name? A. Henry West.
Q. What is your mother's name? A. Phoebe West.
Q. Are you a brother to Houston West? A. Yes sir.
Q. Did you come to the Cherokee Nation same time he did? A. I was born here after that.

- Q Where were you born? A. On the Mayfield farm in Sequoyah district, Cherokee nation.
Q When did you marry your wife? A. In '92.
Q Have you a certificate of marriage? A. Yes sir. I have it at home and I have a license too.

By L. B. Bell-

The Cherokee Nation files the decision of the Supreme Court of the Cherokee Nation in cases of intermarried Cherokee freedmen citizens."

By Com'r Needles,-

George West applies for himself and four children, George Jr., Jessie, Albertha and James as Cherokee freedmen, and for his wife Lizzie as a Cherokee freedman by intermarriage; the applicant avers that he was born and raised in the Cherokee Nation; that the children he applies for are living; he and his oldest child are identified on the Kern Clifton roll; he avers that he is the child of George and Phoebe West and that he is the full brother of Houston West, and claims his citizenship through his father and mother, who were slaves of Walker Mayfield and returned to the Cherokee Nation in 1866. Reference is made to the testimony taken in the case of his brother Houston West on Cherokee freedman D. Card 989 and a copy of same will be filed in this case. It will be necessary for the applicant to file a certificate of his marriage with this Commission and also satisfactory proof of the birth of his three youngest children.

- Q Is this your first wife? A. Yes sir.
Q Are you her first husband? A. Yes sir.
Q Neither of you ever married before? A. No sir.
Q Have you been living together continuously since your marriage?
A. Yes sir.
Q And is she the mother of these children? A. Yes sir.

Consequently the said George West and his four children as herein named will be listed for enrollment as Cherokee freedmen on a doubtful card, and his wife Lizzie as a Cherokee freedman by intermarriage on a doubtful card, and when the final decision is arrived at they will be notified by mail.

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 15th of July, 1901.

T. B. Needles

Commissioner.

D

3 11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
I. I. F. D.
JUL 1 1901


ACTING SECRETARY

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date *July 1st 1861*
Post Office *Union St*
District *Geo*

1. Name *George P. Poir* Age *34*
Owner's name _____ Citizenship _____
Year *1861* Page _____ No. *277* District *Geo*

Parents:
Father *Geo. P. Poir* Citizenship _____
Mother *Phoebe* " " Citizenship _____

2. Name of wife *Sigge "Wid"* Age *27*
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- 3. *George P. Poir Jr.* Year _____ Page _____ No. *277* Dist. *Geo* *8*
- 4. *Joseph* " " Year _____ Page _____ No. _____ Dist. _____ *6*
- 5. *Abertina* " " Year _____ Page _____ No. _____ Dist. _____ *2*
- 6. *Ann* " " Year _____ Page _____ No. _____ Dist. _____ *3000*
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by _____ Stenographer *John P. ...*

Waxman
Del. to, vol. Page 147 3564 - Seq
H. B. Poir's, with app. issued
manuscript returned cert. to be submitted

X P. 2989

C.F. D-990, George West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Houston West for enrollment as a Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:

Applicant not present;

W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Attorneys for Cherokee Nation make proof of service of notice that they will introduce testimony in this case on September 4, 1901.

W. T. HARNAGE, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A W. T. Harnage.

Q What is your postoffice? A Tahlequah.

Q What is your age? A About 53.

Q You a Cherokee citizen by blood? A Yes, sir.

Q I believe you made a statement that you returned here in December of 1866, after the war? A Yes, sir.

Q To what part of the Cherokee Nation did you come? A Sequoyah district.

Q How far did you locate from Fort Smith? A Just across the river, about half a mile from the line.

Q What relation are you to Zeke Harnage? A Half brother.

Q Is he older or younger than you? A He is older.

Q Did you know Walk Mayfield? A Yes, sir.

Q What relation is he to you? A He is my uncle.

Q How long did you continue to remain down there in Sequoyah district immediately after you came? A I stayed there in the bottom until after Christmas, then I went up to Flint.

Q You stayed there until after Christmas of '66? A Yes, sir.

Q About the first of January? A About the first of January sometime.

Q Now did your uncle Walker Mayfield return when you lived there?

A No, sir.

Q Now how long did you remain up in Flint? A I stayed up there till about the middle of April and went back down in the bottom.

Q And when you came back had he returned then? A Yes, sir, he was there then when I went back to the bottom.

Q That was in April of what year? A '67.

Q But when you left there after Christmas of '66, about January, he hadn't come? A No, sir, he hadn't come in, we left him in Texas in the fall of '66.

Q You left him there? A Yes, sir.

Q Had he made a crop there in Texas that year? A Yes, sir.

Q You know what kind of a crop, cotton and corn? A Corn and cotton.

Q Well, how far did he locate from your place and from the place that you had stopped when you returned there in April of '67?

A About five miles.

Q He was your uncle? A Yes, sir.

Commissioner: He came there you say in April, '67? A I came back to the bottom in April '67 and he was there when I came.

Q Walker Mayfield was? A Yes, sir.

Q You know when he came there? A No, sir, he came after I left, I left the bottom in January, '67, and went up to my uncle's in Flint

and stayed there till April.

Q And he wasn't there when you left? A No, sir, but when I got back there, he was there.

Q What brings it to your memory that it was in '67? A Because it was in '66 when we came there, in the fall, and I stayed there till that Christmas.

Q You are positive of that? A Yes, sir, and after Christmas I went to Flint.

Q Couldn't have Walker Mayfield come to the Cherokee Nation before that date; you don't know when he actually did come, do you?

A No, sir, he wasn't there when I left.

Q He wasn't, you mean, on this place? A No, sir.

Q But you don't know whether he was in any other part of the Cherokee Nation when you left? A No, sir, I don't know whether he was.

Q The first time you saw him was in April, '67? A Yes, sir.

Mr. Hastings: I believe you stated you left him in Texas when you came up here? A Yes, sir, we left him in Texas when we started.

Commissioner: When was that? A In December, in November, '66.

Q He was living there then? A Yes, sir.

Q Did he bring his old slaves with him when he came back?

A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q When did you first see Houston West? A I saw them all together at that time.

Q Was Houston West in Texas when you left there? A Yes, sir.

Q Living on Mayfield's farm? A Yes, sir.

Q They made a crop there? A Yes, sir.

Q What kind of crop? A Corn and cotton.

EZEKIEL HARNAGE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Ezekiel Harnage.

Q What is your postoffice? A Foyil.

Q What is your age? A 59 years old.

Q You are a Cherokee citizen? A Yes, sir.

Q You were in Texas when the war closed, were you? A Yes, sir.

Q Now when did you return to the Cherokee Nation? A I came back on the 16th day of December, 1866.

Q Now to what part of the Cherokee Nation did you come? A Sequoyah District.

Q What relation were you to Walk Mayfield? A He was my second cousin; he was a first cousin of my mother's.

Q You and this other witness are half brothers? A Yes, sir.

Q Different mothers? A Yes, sir.

Q Now you came back, I believe you say, to Sequoyah District?

A Yes, sir.

Q Now you know Walk Mayfield, do you? A Oh yes.

Q Did you see him in Texas? A Yes, I saw him in Texas.

Q How far did you live from him down there, or did he from you?

A About a couple of miles, or hardly that far.

Q Did you leave him, or he leave you there? A I left him there.

Q You moved up there in Sequoyah about December 16, 1866?

A Yes, sir.

Q Now what time did Walk Mayfield come to the Cherokee Nation?

A To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867.

Q Did he bring his slaves with him? A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q He had some boys, Houston, Callis and George? A Yes, sir.

Q Did you continue to reside there in Sequoyah District from December 16 up until the following April, March or April?

A Oh yes, I was there all the while.

Q About how far did Walk Mayfield locate from you when he came?

A I guess it was four miles and a half, or five.

Commissioner: Did you know Houston West? A Yes, I knew them boys.

Q Did he have a sister named Mary? A I don't know anything about the girls.

Q Well, Houston West was a slave of Walk Mayfield? A Yes.

Q When did you first see Houston, after the war? A I saw him after the war, after Mayfield came back to the Nation.

Q With Mayfield's family? A Yes, sir.

Q Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867? A I am positive of it.

Q Is he living? A No, he is dead.

Q His wife living? A No, she is dead.

Q What fact fixes the date of Mayfield's return in your mind?

A The fact of the business is, the fact that fixes it in my mind was about going to work to make a crop.

Q Well, as to the year? A Oh, I know when I moved, and Walk Mayfield come the next spring like.

Q You know that you came in '66? A I know that, I am positive of the fact.

Q Where were you living in '65? A In Texas.

D. M. FALKNER, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A D. M. Falkner.

Q What is your age, Mr. Falkner? A I am about 60.

Q What is your postoffice address? A Hanson, Indian Territory.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Falkner, you have been married, I believe, the second time?

A Yes, sir.

Q What was your first wife's name? A Her name was Rachel L. Adair.

Q That was her maiden name? A Yes, sir.

Q Was she any relation to Walker Mayfield? A Yes, sir, she claimed that Mayfield was her uncle.

Q Did you know Walk Mayfield yourself? A Yes, sir.

Q Where were you living in the year of '66 and the spring of '67?

A I was living in Sequoyah district, Cherokee Nation.

Q Did you know Walk Mayfield before the war? A Yes, sir.

Q When did Walk Mayfield return to the Cherokee Nation after the war? A Well, he returned about the first week of April, 1867.

Q Now Mr. Falkner, tell the Commission why you fix that time, all the circumstances? A Well, this young lady that I spoke of —

Q That you afterwards married? A Yes; she was boarding with my sister, teaching school, and the news come that her uncle had come home from Texas, just from Texas, and I went with her over there, that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in.

Q Well, how far was it that you had to go? A Four miles, and then I went with her over there, and the reason why I am so positive about it, me and her was married about ten or fifteen days after that; that is, this young lady.

Q Your first wife? A Yes, my first wife.

Q Rachel L. Adair? A Yes, sir, and I have got it in the bible at home, my marriage; we were married about a week or fifteen days after he came, and I think it is dated on the 17th of April, or the 27th of April, when me and her were married, and just a few days before that is when me and her went over there.

Q That is her uncle, Walk Mayfield? A Yes, sir.

Q You had heard of him coming these four miles here, and you went over there to see him, and they had just come in? A That is what they claimed, they had just come in.

Q You hadn't heard of him before that? A No, sir.

Q Did they have some slaves, colored people, with them?

A Yes, sir, they had some there, of course. I wasn't acquainted with the slaves, but there was an old man named Henry West, and I have known him ever since; they claimed he had brought in his slaves, and that old man was all I seen.

Q Had they unloaded the wagons when you got there? A There was a covered wagon standing there at the house when we got there.

Commissioner: What year were you first married, Mr. Falkner?

A It was in April, '67.

Q You are positive of that? A Yes, sir, I have got it in the bible at home.

Q You didn't know Henry West, a slave? A No, sir, I didn't know him, they told me then was his darkies, all I know.

Q You don't know of Walker Mayfield coming into the Territory before that time at some other point? A No, sir, that is the only time I heard about it, and I lived by him before the war.

Mr. Hastings: Your first wife is dead? A Yes, sir, she is dead.

Commissioner: Walker Mayfield dead? A Yes, sir.

Q His wife dead? A Yes, sir.

Q Any of his children living? A Well, I don't know, no, sir, all dead; he had three boys and they are all dead.

Q How far is this Walker Mayfield place, where he came to, from the Cherokee line? A It is about four miles and a half, or five; they crossed there at Fort Smith I suppose, to go to that place.

Q Four or five miles from that place to Fort Smith? A Yes, sir.

Q Coming from Texas then that would be the first place they would strike in the Territory? A Yes, sir.

Q There is where they all crossed? A Yes, sir.

Q Were you down in Texas? A No, sir, I was at Skulleyville, across the river there, in '65 and '66; '66 I moved over with my sister.

Commissioner: This testimony will be made part of the record in the cases of Callis West, D-1000, and George West, D-990.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of September, 1901.

C. R. McWilliams

Commissioner.

(C O P Y)

P. D. 889

To be filed with U.S.D. 990, George West et al.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T., May 25, 1902.

In the matter of the application of Houston West for the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO P. D. 889.

APPEARANCES:

A. J. Morae for applicants
W. J. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book from the records of the Executive Department of the Cherokee Nation entitled, Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871, and from that part of the book headed Doubtful Roll Sequoyah District, No. 143, the following:

"Henry West.
Decided against claimant June 15, 1871."

The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Chambers Court, on June 12, 18--, as shown from the citizenship record, No. 1, page 9, in the case of Henry West vs. the Cherokee Nation, the same being signed by John Chambers, President of the Commission, O.P. Brewer, George Downing, Commissioners, countersigned by L. L. Nicholson, Clerk of Commission, as follows:

Henry West -) Claim of Citizenship before the
" No. 1 vs) Commission on Citizenship, sitting at
Cherokee Nation) Tanulapan, C.S. June 12th, 18--

This case, comes under the class of cases, of which the Commission have jurisdiction under Act of Dec. 1867, claiming citizenship under the 9th Article of the Treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the rebellion. Claimant was afterwards sent to Texas, by his owner, but returned in time, that is, within six months after the ratification of the treaty of 1866.

The facts above are proven satisfactorily, except as to the time of the return to the Nation. This is the turning point in Henry West's case. The Comm. find that the only testimony on that point, is the statement of Walter Bayfield, who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the Act establishing the Commission to the time mentioned in the amendments to the Cherokee Constitution, so far as to the date of the ratification of the treaty of 1866; and since it is shown that it, on the 19th day of July 1866, was hence claimant's return in April 1867, is more

than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of the Commission, and consequently they decide that said claimant is an intruder on the Public Domain of the Cherokee Nation.

Attest:

W. Nicholson,
Clerk Comm.

John Chambers,
President Commission
J. P. Brewer,)
George Lowman,) Comrs."

Attention is called to the fact that at the head of the decision dated June 12, 1876, that the date is omitted, but the decision on page 8 of the state book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1876, and the case upon the page following this decision, the same being that of Brill Miller vs. the Cherokee Nation, is dated June 12, 1876.

Mr. MCRAE: To all of which the applicant objects for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in this case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record as cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and subsequently would have no bearing as to the rights and the status of these applicants. It would further appear that these applicants, Houston West et al., were slaves in the Cherokee Nation before the war of the rebellion, and was owned by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, they, being claimants in their own rights and status. Mr. Hastings, I'll swear you, without waiving any of the objections.

W. W. Hastings, being first duly sworn, testified as follows:

Q. Mr. MCRAE: Your name? A. W. W. Hastings.

Q. Are and postoffice address? A. I am 35 years old and postoffice is Tallapoosa.

Q. Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this Commission appointed? A. By an act of the Cherokee National Council, so I am informed and the records show. Q. I will ask you if it is not the law under the Constitution of the Cherokee Nation that in the appointment of these alleged Commissions on citizenship, if when the Commission has exercised its duty as regards the same, that before the same can become a law, either for or against the applicants as appear before these respective Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A. Well, I haven't that law before me, but I have no doubt from the decisions that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.

Q Well do you now of your own knowledge or information whether or not there were any persons who appeared before these respective Commissions and their cases were submitted to the Council for admission or rejection? A There weren't any so far as I know except- there weren't any submitted to the National Council except, so far as I know, except some in 1871; none of these later Commissions, they had full authority to investigate and admit themselves or reject, and this Commission had authority to admit or reject, and the Council have no supervisory control over it.

Q Then the action of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes sir.

Q The Chambers Commission? A Yes, sir. Well I was stating by judgment of the law, I wasn't there, you know; never practiced before it.

Q Now about the Commission of 1871, known as-what's the name of that Commission? A Well, in 1869 an act was passed allowing certain people to go before the Chief Justice of the Supreme Court and he had hearings up until sometime in 1871, I don't remember the exact date, but under that class of cases, and under that act, my recollection was that it was December 3, 1869, but I wouldn't be positive as to that, but anyhow under that the justice of the Supreme Court heard applications, and referred them to the National Council, but I know of no other authorities that did; don't recall any.

Q Who was the president of the Commission of 1871, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vann; I know he was along about that time, but perhaps I am mistaken. Well, this record here shows that P. B. Daniels was chief Justice in 1871. John S. Vann was along about that time, I don't know now just when he went in or out.

Q Who was the member of the Commission appointed to hear citizens who made application in '71? A This book shows that P. B. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.

Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of Doubtful Cases from Cherokee citizenship tried in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that day book than that of a regular record kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testified as follows:

MR. MCRAE: What is your name? A My name?

Q Yes sir? A Thomas A. Williams.

Q Your age? A I am 61 years of age.

Q Post Office address? A Muldrow, Indian Territory, Sequoyan District.

Q Mr. Williams, are you acquainted with Houston West and brothers?

A Yes, sir, I am acquainted with Houston and especially acquainted with Callis West.

Q How long have you known him? A Well, sir, in 1866 I had a bunch mules, myself and Crosby, and we was keeping them on Camp Creek there right below old man West's, and some time in the early part of the winter perhaps, just before Christmas, two or three or four days, Walk Mayfield brought the family back there, they were chaps.

Q Who was Walk Mayfield? A Walk Mayfield? That was a Cherokee I took him to be.

Q Where was he when you saw him in '66? A I saw them and camped just about-about, when they first came there they came just above where the bridge is.

Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was crossing there with the mules.

Q Now I will ask you, Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in and out of the Cherokee nation, well, let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it.

I was in the Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a crop, I believe it was in '74, and then in '77 I became an adopted citizen, and I have been here most of the time since.

Q Were you acquainted with the father and mother of these boys? A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.

Q You are positive that it was some time in the month of December, '66? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.

Q In the Cherokee Nation? A They were in the Cherokee Nation, because I and Crosby was driving a little bunch of mules we had taking them over.

Q Well to your knowledge, so far as you know, ave they lived continuously in the Cherokee Nation since you first knew them in '66? A Yes, sir to the best of my knowledge their family has lived and remained right there.

Q You have had occasion to see them oftentimes since then? A Very often, we were hunting stock there very often.

Q And you say that your knowledge and acquaintance with Callis is of a very intimate nature? A Yes, sir.

Q And character? A Yes, sir, he a truthful, honest straight upright man so far as I know.

Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee funds.

Mr. HASTINGS: When did you draw money? A I think it was '79 and maybe '82, the record shows. Taxes Commission found me on the record, and you can find me there very easy.

Q Don't you know that they didn't pay out any money either in '79 or in '82 to anybody in the Cherokee Nation, and the records will show it? A Well, I don't remember the exact year, but it was along there somewhere, I drew in Tahlequah and I drew in Vinita.

Q Do you remember more about when you saw Callis West than you when you drew money yourself? A I made no minute of that,---

Q Well did you make any minute of seeing him? A I made a minute of some cows that he had got in.

Q Some cows? A They made some record, that I remember very well.

Q What's Callis' wife's name? A I don't know both; which, his first wife?

Q Yes, sir. A I don't remember what his first wife's name was.

- Q How many children did he have when you first saw him? A Why he didn't have any one.
- Q Did he have a wife? A No, sir, wasn't no wife.
- Q About how old was he when you first saw him? A I don't know; he was a kid of a boy.
- Q Don't have any idea about that? A No, I couldn't think anything about it.
- Q What were you living when you first saw him? A I was living with myself.
- Q Where? A Why I was coming from Fort Smith to Jennie Lind and around; we had a bunch of cattle, they were scattered, and we had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas?
- Q Who owned them? A He and Jesse Crosby, that fell out of a two-story window in Fort Smith and broke his neck in two.
- Q He isn't alive now? A No, sir, he's dead now.
- Q Did you know any other Cherokees over there in '66? A Why I think I did. Uncle Billie Wilson.
- Q He's dead too? A Yes, sir.
- Q Was he there in '66? A He was quartered there in '66 I think.
- Q Now, Mr. Williams, Walker Mayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 4th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well, I will say that I am not responsible for what Walker Mayfield swore.
- Q Well do you say that isn't true?
- MR. MCRAE: You say that Walker Mayfield has testified to that in this case?
- MR. HASTINGS: No, I say he has testified and the record shows.
- MR. MCRAE: This record?
- MR. HASTINGS: Yes, sir.
- MR. MCRAE: This judgment just offered here?
- MR. HASTINGS: Yes, sir.
- Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Mayfield here. Whether he went back into the state and come back again into the Nation I don't know.
- Q Mrs. D. H. Faulkner swore in '90 that her uncle Walker Mayfield came there about the first of April '67, and that she was teaching school in that vicinity and that she went out there to see him. Do you say now that you put your judgment, and you a stranger, as against those who were blood relatives? A I put my recollection, I am telling just as I remember it; it certainly was just before Christmas that we drove our mules over, and the family was certainly there; to the best of my recollection it was just before Christmas.
- Q D. H. Faulkner, who lives at Hanson, swears that Walker Mayfield, who was his wife's uncle, came back in '67 in April, do you dispute that? A Why I am not disputing; I am telling you the best of my recollection, and I recollect where I first saw Walker Mayfield when I came back from Texas.
- Q Did you know him before the war? A I had seed him a few times.
- Q Where did he live? A He lived right close to where the railroad runs now.
- Q Did you see him there? A Met him in Fort Smith, and I have seen him over in the Nation.
- Q In the Nation before the war? A Yes, sir, I was all through that country before the war.

Q Was Walker Mayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.

Q Did you ever leave the Cherokee Nation before the war? A I had a home, a solid home, in the Cherokee Nation before the war as a matter of fact.

Q Well now where did you keep those cattle in the Cherokee Nation in '66? A We bought some cattle in the Cherokee Nation.

Q Well where did you keep them, though? A Just bought them and let them run until we come and drove them out.

Q Then they were just scattered on the range? A Scattered all around, they were all over there, and I bought some from a woman by the name of Price.

Q Where did she live? A Somewhere on Camp Creek.

Q You have just now been rejected by the Commission as an applicant for citizenship, haven't you? A Yes, sir, I don't care anything about the rejection. I would rather be a white man than a Cherokee so far as my preference is concerned.

Q Tell you have got your preference? A I have got it too. The young clerk here, I like him splendid for giving me my preference.

Q Well you just answer my questions. Now you are willing to swear as against these other people that the family came back there just before Christmas, '66? A To the best of my knowledge.

Q Then you are not positive about it? A To the best of my knowledge. That's what the young man qualified me to swear, to the best of my recollection.

MR. MCRAE: You have knowledge of years, haven't you? A It seems to me like I ought to have; I was born in '41, and I was a United States soldier, and I ought to have been old enough to have some knowledge of things. I wouldn't story for Callis West to get into the Cherokee Nation.

Q Well you aren't any more likely to be mistaken in your statement than Mr. Mayfield would be in his? A No, sir.

MR. HASTINGS: But Mr. Mayfield testified in '78, only 12 years after that time.

COMMISSION: This testimony will be filed in and made a part of the record in the following freedmen cases: D-998 being that of Nancy Starr; D-990, being that of George West et al., D-1000, being that of Callis West; D-1032, being that of Eugenia Harris et al.; and D-1054, being that of Callis West, and in the case at bar, D-889, the same being the case of Houston West et al. It appears from the records of the Commission that the above named applicants are all represented by A. S. McRae.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed)

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of July, 1902.

(SEAL)

(Signed)

A. G. Keuter
Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, states that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

(Signed)

Arthur G. Evans.

Subscribed and sworn to before me this the 20th day of Aug. 1902.

(S E A L)

(Signed)

B. C. Jones
Notary Public.

Lucy M. Bowman, being under oath, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that same is a true and complete copy of the document now on file in this case

Lucy M. Bowman

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

J. Campbell
Notary Public.

(COPY)

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

In the matter of the application of Houston West, et al.,
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of--

Houston West, et al.,	Cherokee Freedmen	D 989,	✓
George West, et al.,	" "	" D 990,	✓
Callis West	" "	" D 1000,	
John West,	" "	" D 103,	
Lugenia Harris, et al.,	" "	" D 103,	
Callis West,	" "	" D 1034.	

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Houston West for himself and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George, Jr., Jessie, Albertha and James West as Cherokee Freedmen and for his wife, Lizzie West, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Lizzie West, as such, will not be passed upon or considered in this decision; by Callis West (son of Henry West), for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris, and by Callis West (son of Houston West), for himself.

The evidence shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation; that all the other applicants herein, except Lizzie West, John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), are descendants of Henry and Phoebe West, or of Houston West, and, having been born since 1866, their rights to enrollment are derived solely through their said ancestors.

The evidence further shows that the said John West, Lugenia Harris and Janie Harris were born since 1866, and are the descendants of Rose West and Millie West; and that they acquired no greater rights as Cherokee Freedmen, than were possessed by their said ancestors. It does not appear that either Rose West,

or Millie West was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. None of said applicants' names are found on the 1880 authenticated Cherokee roll.

It further appears that the said James West died on June 17, 1902.

Section twenty-five of the act of Congress, approved July 1, 1902, (32 Stats., 716), provides as follows:

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

It is, therefore, the opinion of this Commission that the applications for the enrollment of Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George West, George West, Jr., Jessie West, Albertha West, Callis West (son of Henry West), John West, Eugenia Harris, Janie Harris and Callis West (son of Houston West), as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered that the application for the enrollment of James West as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of the law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman

(Signed) T. F. Needles
Commissioner

(Signed) G. N. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory
this Aug 5 1904.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, June 5

1916
JUN 5 1916
3599

I, E. B. Meritt, Assistant, Commissioner
of Indian Affairs, do hereby certify that the papers hereto attached
are true copies of the originals as the same
appear on file in this Office.

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



E. B. Meritt
Assistant Commissioner.

Cherokee Freedman D 990

In re application
for enrollment of Infant Child

Albertha West as a citizen
of the Cherokee Nation.

Approved July 20 1901

T. B. Needles

Commissioner

Department of the Interior
Commission to the
Five Civilized Tribes.

Filed

July 20 1901

Edna Sixby

Acting Chairman

Birth Affidavit.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In re application for enrollment, as a citizen of the Cherokee Nation, of Albertha West, born on the 10 day of February 1899. Name of Father: George West, a citizen of the Cherokee Nation. Name of Mother: Lizzie West, a citizen of the U. S. Post-office, Tulsa, I. T.

AFFIDAVIT OF MOTHER..

United States of America)
Indian Territory.)
Northern District)

I, Lizzie West, on oath state that I am 28 years of age; that I am the lawful wife of George West, who is a citizen, by Freedman, of the Cherokee Nation, that a female child was born to me on the 10 day of February 1899; that said child has been named Albertha West, and is now living.

Lizzie West.

Subscribed and sworn to before me this 15 day of July 1901.
Com Ex 6/1/1904

(Seal) Robert E. Lynch
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

United States of America)
Indian Territory)
Northern District)

I, Elsie Holmes, a midwife, on oath state that I attended on Mrs. Lizzie West, wife of George West, on the 10 day of February 1899; that there was born to her on said date a female child; that said child is now living and is said to have been named Albertha West.

her
Elsie X Holmes
mark

Witnesses to Mark:
R. E. Lynch
L. J. McNeill

Subscribed and sworn to before me this 15 day of July 1901
Com Ex 6/1/1904

(Seal) Robert E. Lynch
Notary Public

Cherokee Freedman D 990

In re

Application for enrollment
of Infant child

Jessie West
as a citizen of the
Cherokee Nation

Approved July 30 1901

T.B. Needles
Commissioner

Department of the Interior
Commission to the
Five Civilized Tribes
Filed July 30 1901

Wams Dixby
Acting Chairman

Birth affidavit.

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes

In re application for Enrollment, as a citizen of the Cherokee Nation, of Jessie West, born on the 2nd day of Sept. 1894.
Name of Father: George West, a citizen of the Cherokee Nation.
Name of Mother: Lizzie West, a citizen of the U. S.
Post-office, Tulsa, I. T.

AFFIDAVIT OF MOTHER.

United States of America,)
Indian Territory,)
Northern District)

I, Lizzie West, on oath state that I am 28 years of age and a citizen of the U. S.; that I am the lawful wife of George West, who is a citizen, by Freedman of the Cherokee Nation, that a female child was born to me on the 2 day of September 1894; that said child has been named Jessie West and is now living.

Lizzie West.

Subscribed and sworn to before me this 15 day of July 1901
(Seal)

Com Ex 6/1/1904

Robert E. Lynch
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

United States of America)
Indian Territory)
Northern District)

I, Elsie Holmes, a midwife, on oath state that I attended on Mrs. Lizzie West, wife of George West, on the 2 day of September 1894; 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 Jessie West.

her
Elsie X Holmes
mark

Witnesses to Mark:
R. E. Lynch
L. S. McNeill.

Subscribed and sworn to before me this 15 day of July 1901.

(Seal)

Robert E. Lynch
Notary Public

(C O P Y)

Refer in reply
to the following:
Land
57356-1904 .

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. September 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated on August 17, 1904, transmitting the record of the Consolidated applications for enrollment as Cherokee freedmen by Houston West and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West; by Callis West (son of Henry West) for himself; by John West for himself; by Eugenia Harris for herself and her minor child, Janie Harris and by Callis West (son of Houston West) for himself.

August 5, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867; that all the other applicants except John West, Eugenia Harris and Janie Harris were born since 1866, and

are the descendants of Bose West and Millie West, and that they acquired no greater rights than were possessed by their ancestors. It does not appear that either Bose or Millie West were the slaves of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

A.C. Tonner

Acting Commissioner

M M M

▼

(C O P Y)

D.C. 39949-1904
I.T.D. 7604-1904

W.C.F.
J.P
FHE
L.R.S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 15, 1904.

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

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Houston West et al.

It appears that applications were made for the enrollment as Cherokee freedmen of Houston West and his minor children, Ida, Nancy, Fannie, Georgie, and William West; of George West and his minor children, George Jr., Jessie Albertna and James West, and his wife, Lizzie West; of Callis West (son of Henry West); of John West; of Eugenia Harris and her minor child, Janie Harris; and of Callis West (son of Houston West). The application for the enrollment of the applicant Lizzie West as a Cherokee freedman by intermarriage was not passed upon by you, and is therefore not included in this decision.

It appears that the applicant James West died June 17, 1902. On August 5, 1904, you dismissed the application for the enrollment of James West, and decided that all the other applicants herein are not entitled to enrollment.

Reporting September 19, 1904, the Acting Commissioner of Indian Affairs recommends that our decision be approved, and on September 21, 1904, he forwarded a petition, in behalf

of the applicants, praying for the reopening of the case.

It appears that Houston West, George West and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston West and Callis West were born prior to 1866; that they were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and returned with Nancy Starr. The applicant George West appears to have been born after the return of Henry West to the Cherokee Nation.

In the case of Nancy Starr the testimony in the case of Houston West was made a part of the record, and on September 17, 1904, the Department held that the evidence submitted concerning the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned prior to February 11, 1867.

It appears that the applicants John West and Eugenia Harris were born subsequent to 1866, and are son and daughter of Boce West, a brother of the applicant Houston West. The evidence shows that Boce West did not return to the Cherokee Nation prior to February 11, 1867.

Your decision, in so far as it affects said John West, Eugenia Harris and Janie Harris, is therefore approved, Your decision in so far as it affects Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George

West, George West Jr., Jessie West, Albertha West, Callis West (son of Henry West), and Callis West (son of Houston West), is reversed, and you are directed to enroll said applicants as Cherokee freedmen.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

1 inclosure.

Thos Ryan
Acting Secretary.

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

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233	-----	Mary Harris, et al.,
F-1234	-----	Joseph Curry,
F-1235	-----	Ostella Martin, et al.,
F-1236	-----	Harrison Curry,
F-1281	-----	Eliza Gaines,
F-1282	-----	Jane Webb,
F-1283	-----	Mary Mabry, et al.,
F-1284	-----	Berry Thompson, et al.,
F-1285	-----	Julia Nash,
F-1286	-----	Georgia Jones, et al.,
F-1287	-----	John H. Nash, et al.,
F-1288	-----	Malinda Johnson, et al.,
F-1289	-----	Martha Groome, et al.,
F-1290	-----	Berry Nash,
F-1291	-----	Edward Nash,
F-1292	-----	Carrie Harris, et al.,
F-1293	-----	Ella Humes,
F-1295	-----	Michael Martin,
F-1296	-----	George Martin, et al.,
F-1297	-----	Joshua Martin,
F-1298	-----	Edward Brown, et al.,
F-1299	-----	Israel Martin, et al.,
F-1300	-----	Nellie Brown, et al.,
F-1301	-----	Harriett Tucker, et al.,
F-1302	-----	Mydia Carter,
F-1303	-----	Allie McElroy, et al.,

F-1304-----Robert Harper,
F-389-----Mary Robbins, et al.,
F-1414-----Houston West, et al.,
F-1415-----George West, et al.,
F-1416-----Callis West,
F-1417-----Callis West,
F-1494-----Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	Mary Harris,
3440	Irene Harris,
3441	Olive Harris,
3442	Rheta Harris,
3443	Joseph Curry,
3444	Ostella Martin,
3445	Ira Martin,
3446	Cecil Martin,
3447	Loy Martin,
3448	Myrrh M. Martin,
3449	Harrison Curry,
3530	Elisa Gaines,
3531	Jane Webb,
3532	Mary Mabry,
3533	Frank Mabry,
3534	Berry Thompson,
3535	Elzer Thompson,
3536	Bee Thompson,
3537	Harrison Thompson,
3538	Julia Nash,
3539	Georgia Jones,
3540	John H. Jones,

Roll No.	Name.
3541	Ellen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralis Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter W. Grooms,
3566	Leuratha Grooms,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Humes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Laura Brown,
3585	Israel Martin,

Roll No.	Name.
3586	Lizzie Martin,
3587	Maggie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Nellie Brown,
3592	Hoxie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clan Martin,
3599	Emma Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lycia Carter,
3605	Allie Mohlroy,
3606	Etta Taylor,
3607	Robert Harper,
3280	Mary Hobbins,
3281	Dollie Rogers,
3282	Sherman Jones,
3866	Houston West,
3867	Ida West,
3868	Nancy West,
3869	Fannie West,
3870	Georgie West,
3871	William West,
3872	George West,
3873	George West, Jr.,
3874	Jessie West,
3875	Albertha West,
3876	Callis West,
3877	Callis West,
4079	Henry West,
4080	Callis West, Jr.,
4081	Cornelius West,
4082	Charis West,
4083	Carrie West,
4084	Mia West,
4085	Watie West,
4086	Walter West,
4087	Sadie West,

Roll No.	Name
4088 -----	Hart
4089 -----	Vir

Respectful.

LS

Com.

Muskogee, Indian Territory, September 28, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion made by the attorney for the Cherokee Nation to review the Cherokee freedmen cases of Houston West et al., D 989, George West et al. D 990, Callis West. D 1000, and Callis West, D 1054. This motion was filed with this office June 25, 1906. There is also transmitted herewith the reply to said motion made by the attorney for applicants.

These applications were included in the Cherokee freedmen consolidated case of Houston West et al., D 989 et al., in which the Commission to the Five Civilized Tribes, on August 5, 1904, rendered its decision rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, George Jr., Jessie, Albertha, Callis (son of Henry West), and Callis West (son of Houston West). The decision of the Commission,

Secretary-2

adverse to said applicants was reversed by the Secretary of the Interior, October 15, 1904 (I.T.D. 7604-1904) and said applicants ordered enrolled as Cherokee freedmen.

The Nation asks for a review of the department's decision as to the above named applicants, and that they be rejected for the reason that Henry West, father of the principal applicants, Houston, George, and Callis West, and grandfather of all the other applicants, was denied citizenship in the Cherokee Nation by the Supreme Court of said Nation on June 15, 1871; that on June 12, 1878, said Henry West, having applied to the Chambers Court for Cherokee citizenship, was denied by said Court, and that, under the rulings of the Department in the Cherokee freedman cases of John Morgan, rendered March 5, 1906 (I.T.D. 10716-1905), and Harry Still, rendered October 5, 1905 (I.T.D. 7658-1904, 13208-1905), the applicants are not entitled to enrollment as Cherokee Freedmen.

The Department in its decision of October 15, 1904, found that Houston, George and Callis West, are brothers of Nancy Starr; that their father was Henry West;

Secretary-3

that Houston and Callis West were born prior to 1866 and were slaves of a Cherokee citizen at the beginning of the war; that they were taken out of the Cherokee Nation during said war, and that they returned to the Cherokee Nation with Nancy Starr. The Department, on September 17, 1904 (I.T.D. 4943-1904) held that the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned thereto prior to February 11, 1867; The decision of the Commission to the Five Civilized Tribes dated July 1, 1903, holding that, among others, Nancy Starr was not entitled to enrollment as a Cherokee freedman, was reversed by the Department.

The record of proceedings had in the case of Nancy Starr, et al., and also in the case of Houston West, et al., shows the proceedings had before the Supreme Court of the Cherokee Nation and the Chambers Court, and the Department, referring to said proceedings, in the Starr case held:

*The Department does not consider that the decision of the courts above referred to in the case of Henry West are binding upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show

Secretary-4

that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867."

The Departmental decisions cited by the Attorney for the Cherokee Nation in the *Wagoner* and *Still* cases (I. T. N. 10716 and I. T. N. 7058-1904, 2 208-1903, respectively), are directly upon the point as to what weight should be given decisions by the Cherokee courts, and inasmuch as they are at variance with the position taken by the Department in the Starr case, it is respectfully recommended that the Department's decision of October 15, 1904, in the *Wagoner West* case, be reconsidered. See also Departmental decision of September 7, 1906 (I. T. N. 15373-1906), in the Cherokee Freedmen case of *John Blair et al.*

The record shows that the Indian Office, on September 21, 1904, transmitted to the Department a petition in behalf of applicants for a reopening of their case, and this office considers that before any action adverse to

Secretary-5

the applicants is taken, they should be given a further opportunity to be heard.

The records of this office show that the names of the applicants to which the Nation's motion refers, are included in a schedule of Cherokee freedmen approved by the Department April 19, 1905, opposite Nos. 3866 to 3877, inclusive; that applications for the selections of allotments of land in the Cherokee Nation for all of said parties have been made; that certificates describing the land selected for them, except as to the homestead designated for William West, Roll No. 3871, have been issued, and that no deeds describing land selected for them have been prepared. In this connection reference is made to Departmental decision of July 19, 1906 (I.T.D. 9862-1905, 7502-1906), in the Cherokee freedman case of James Rogers.

Immediately upon receipt of the Nation's motion for a review in the West case the United States Indian Agent, Union Agency, Muskogee, Indian Territory, was advised thereof.

Respectfully,

Through the
Commissioner of Indian Affairs.

L M B

g-41101008
Commissioner

Encl. B-79

Copy.

Land
100307-1906
49765-1906
86139-1906

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

October 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter from Commissioner Bixby, dated September 28, 1906, with which is enclosed a motion made by the attorney for the Cherokee Nation to review the Cherokee freedmen cases of Houston West et al., D 989, George West, et al. D 990, Callis West D 1000, and Callis West, D 1054. This motion was filed with the office of the commissioner to the Five Civilized Tribes June 25, 1906. There is also transmitted the reply to that motion made by the attorney for the applicants.

Commissioner Bixby reports that these applications were included in the Cherokee freedmen consolidated case of Houston West et al., D 989, in which the Commission to the Five Civilized Tribes on August 5, 1904, rendered its decision rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, George, Jr., Jessie, Albertha, Callis, (son of Henry West), and Callis West, (son of Houston West.)

The decision of the Commission adverse to the applicants was reversed by the Department October 15, 1904, (I.T.D. 7604-1904),

and the applicants ordered enrolled as Cherokee freedmen. The Cherokee Nation, through its attorney, asks for a review of the Department's decision as to the above named applicants, and that they be rejected for the reason that Henry West, father of the principal applicants Houston, George and Callis West, and grandfather of all the other applicants, was denied citizenship in the Cherokee Nation by the supreme Court of that nation on June 15, 1871; that on June 12, 1878, Henry West having applied to the Chambers Court for Cherokee citizenship, was denied by that court, and that under the rulings of the Department in the Cherokee freedmen cases of John Morgan, rendered March 5, 1905, (I.T.D. 10716-1905), and Harry Still, rendered October 5, 1905, (I.T.D. 7658-1904, 13208-1905), the applicants were not entitled to enrollment as Cherokee freedmen.

The Department in its decision of October 15, 1904, found that Houston, George and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston and Callis West were born prior to 1866 and were slaves of a Cherokee citizen at the beginning of the War of the Rebellion; that they were taken out of the Cherokee Nation during the war, and that they returned to the Cherokee Nation with Nancy Starr.

The Department on September 17, 1904, (I.T.D. 6943-1904) held that the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned thereto prior to February 11, 1867, and the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, holding that, among

others, Nancy Starr was not entitled to enrollment as a Cherokee freedman was reversed by the Department.

Commissioner Bixby reports that the Departmental decision cited by the attorney for the Cherokee Nation in the Morgan and Still cases, (I.T.D. 10716-1904), and (I.T.D. 7658-1904), 13208-1905), are directly on the point as to what weight should be given decisions by the Cherokee courts, and he says that inasmuch as they are at variance with the position taken by the Department in the Starr case, he recommends that the Department's decision of October 15, 1904, in the Houston West case be considered.

The records show that the names of the applicants to which the nation's motion refers are included in a schedule of Cherokee freedmen approved by the Department April 19, 1905, opposite numbers 3866 to 3877 inclusive; that applications for the selections of allotments of land in the Cherokee Nation for all of the parties have been made; that certificates describing the land selected for them, except as to the homestead designated for William West, roll number 3871, have been issued, and that no deeds describing the lands selected for them have been prepared.

The record in the case is inclosed herewith.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

BEM-KEN.

Copy

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

LAND:
103300-1906.

December 8, 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 November 23, 1906, enclosing a motion by the attorney for the Cherokee Nation, filed in his office June 25, 1906, asking for a review of the Cherokee freedmen case of Henry West et al., children of Callie West.

The record in the case of Callie West was transmitted to you in Office letter of October 29, 1906, (Land: 100307-1906, 49765-1906, 86139-1906).

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

EVL-EH

COPY

LAND
3189-1907

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

January 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from W. W. Hastings, attorney for the Cherokee Nation, dated January 8, 1907, with which is enclosed supplemental motion in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen.

The files of this Office show that the record in the case of Houston West, et al., was transmitted to the Department with Office letter of October 29, 1906.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

ARM-RH

Copy

4485-1907.

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

January 23, 1907.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from W. W. Hastings, attorney for the Cherokee Nation, dated January 12, 1907, with which is enclosed second supplemental motion in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen.

The record in the case of Houston West, et al., was transmitted to the Department with Office letter of October 29, 1906.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

EHL-C

DIRECT.

W.H.M. JFJr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 24838-1906.
21812- "
1458-1907.
1660- "

February 12, 1907.

LRS

Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory.

Sir:

On October 29, 1906, the Indian Office transmitted your report, dated September 28, 1906, forwarding a motion for review and to reject, filed by the attorney for the Cherokee Nation, in the matter of the applications of Houston West, et al., D. 989, George West, et al., D. 990, Callis West, et al., D. 1000, and Callis West, et al., D. 1054, for enrollment as Cherokee freedmen. You recommended that a further hearing be had in these cases.

On December 8, 1906 (Land 103, 300), the Indian Office transmitted your report, dated November 23, 1906, forwarding a motion for review, filed by the attorney for the Cherokee Nation, in the matter of the application of Henry West, et al., children of Callis West, for enrollment as Cherokee freedmen.

On January 21, 1907 (Land 3189), the Indian Office transmitted a communication from the attorney for the Cherokee Nation, forwarding a supplemental motion in the matter of the application for enrollment of Houston West, et al., as Cherokee freedmen.

On January 23, 1907 (Land 4485), the Indian Office also transmitted a communication from the attorney for the Cherokee Nation, forwarding a second supplemental motion in the matter of the application for enrollment of Houston West, et al., as Cherokee freedmen.

In view of Section 2 of the Act of April 26, 1906 (34 Stat., 137), even if a prima facie case for a rehearing was presented, the Department would not be warranted in ordering a rehearing at this late date. All the motions are accordingly denied.

Copies of the Indian Office letters are enclosed. The papers in the cases are returned for the files of the Indian Office, together with a copy hereof.

Respectfully,

Thos Ryan

First Assistant Secretary.

4 enclosures.
18 enclosures to Ind. Of.

A .F. Mc
2-13-07

Case No. F-1404
1415-1416-1417

COPY

Muskogee, Indian Territory, March 8, 1907.

George West,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for rehearing
of the DeLoach Freeman case of yourself and others, was denied
by the Secretary of the Interior, February 12, 1907.

Respectfully,

SIGNED *Thomas C. Kelly*

Commissioner.

H

Cherokee F-1414,
1415, 1416, 1417

COPY

Muskogee, Indian Territory, March 6, 1907.

J. G. McLean,

Attorney for Gordon West, et al.,

Muskogee, Indian Territory.

Dear sir:

You have kindly advised that the motion for concerning
of the mortgage from Gordon West, et al., was denied
by the Secretary of the Interior on March 10, 1907.

For your information, there is a copy of Departmental
letter enclosed herewith.

Respectfully,

SIGNED *Samuel D. ...*
Commissioner.

Enc. M-96

YH

Cherokee F-1414,
1415, 1416, 1417

COPY

Muskogee, Indian Territory, March 8, 1907.

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

Dear sir:

You are hereby advised that the motion for rehearing of the Cherokee freedman case of Houston West, et al., was denied by the Secretary of the Interior February 12, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

SIGNED *John D. King*
Commissioner.

Enc. M-97

MH

Cher Fr 1416

Trans. from Cher Fr D1000

Cher Fr 1416

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 1, 1901.

In the matter of the application of Callis West for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Callis West.
Q What is your age? A About 49.
Q What is your post-office address? A Cottonwood.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled as a citizen of any other tribe or nation? A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Your name on any of the rolls of the Cherokee Nation? A Nothing more than the Wallace roll and Clifton.
Q Who do you want to enroll besides yourself? A Just myself.
Q What was your father's name? A Henry West.
Q What was your mother's name? A Phoebe West.
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Walk Hayfield.
Q You a brother of Houston West? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Did you return with Houston West, at the same time? A Yes sir.
Q You been living here ever since? A Yes sir.
Q Are you married? A Yes sir.
Q Your wife a citizen? A Yes sir.
Q She been enrolled? A Yes sir.
Q And your children? A Yes sir.
Q You just apply for yourself? A Yes sir.
Q And the same testimony that applied to Houston's case applies to yours? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 110 #2753 Callis West, Illinois District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 147 #3070 Callis West, Sequoyah District.

- Q Have you lived in the Cherokee Nation continuously since your return? A Yes sir.
Q Never lived out? A No sir.
Q You know the reason your name is not on the roll of 1880? A Nothing more than my belief.
Q That's just a kind of suspicion? A Yes sir.
Q Don't care much about telling it? A No sir, I don't know as it would do any good, unless I could prove it.
BY R. DAVENPORT, Cherokee Rep'v:
Q You say you have lived in the Cherokee Nation since your return after the war? A Yes sir.
Q What part of the Nation? A Right down there in Sequoyah, right by Mt. Smith, on the Blackburn Prairie.
Q How far do you live from Benson, Dave Fortner place now? A I reckon about 17 or 18 miles.
Q Never lived in Arkansas or Kansas? A No sir.

Com'r Needles: Callis West applies for the enrollment of himself; if he cannot be identified upon any of the rolls of the Cherokee Nation except the Kern-Clifton and the Wallace rolls; but he avers that he is a brother of Houston West, the testimony applying to the case of Houston West applies to his.

Callis West 2

case, consequently the testimony taken in the matter of the enrollment of Houston West, D card 939, will be made a part of the record in the case at bar, and a copy thereof will be filed herewith; and said Callis West will be listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

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 July 16, 1901.



Commissioner.

10

1413

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 2 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 10 1890*
Post Office *Edinburgh, Ga.*
District *Clayton*

1. Name *William H. Gray* Age *37*
Owner's name *Walker* Citizenship *None*
Year *1878* Page *116* No. *2759* District *I*
Parents: *None*

Father *Henry Hill* dead Citizenship
Mother *Mary* " " Citizenship

2. Name of wife
Owner's name
Year Page No. District

Parents:
Father Citizenship
Mother Citizenship

Names of Children

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Robert Hill

Application made by *Wm. H. Gray* Stenographer *W. H. Gray*

1 Copy of this application sent to the Freedmen's Bureau, Wash. D.C. 7/10/90.

W. H. Gray 2759

NOTICE!

IN THE MATTER OF The application of *Charlie West*
for enrollment as a Cherokee Freedman:

Case No. F. D. 1000

To *Charlie West, Cottonwood*

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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *W. S. B.*

Indian Territory, on the following dates, to-wit: *August 17th*

A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *17th* day of *August*, 1901.

W. S. Bell
W. S. Bell
W. S. Bell
Attorneys for the Cherokee Nation.

20 / 12 / 1900

DEPARTMENT OF THE INTERIOR,
COMM. OF THE FIVE CIVILIZED TRIBES.
SEP 4 1901


ACTING CHAIRMAN

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of West

for enrollment as a Cherokee Freedman.

No. F. D. 1020
West of lawful age, being duly sworn on
oath states that on the 8 day of August, A. D., 1901, he registered
to West whose postoffice is West

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at West Indian Territory;
and that on the 8 day of August, 1901, he received the return
card which is hereto attached, signed by the said West, showing
that he had received said notice.

Subscribed and sworn to before me on this the 4 day of Sept, A. D., 1901.

Notary Public.

C.P. D- 1000, Callis West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Houston West for enrollment as a Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:

Applicant not present;

W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Attorneys for Cherokee Nation make proof of service of notice that they will introduce testimony in this case on September 4, 1901.

W. T. HARNAGE, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A W. T. Harnage.

Q What is your postoffice? A Tahlequah.

Q What is your age? A About 53.

Q You a Cherokee citizen by blood? A Yes, sir.

Q I believe you made a statement that you returned here in December of 1866, after the war? A Yes, sir.

Q To what part of the Cherokee Nation did you come? A Sequoyah district.

Q How far did you locate from Fort Smith? A Just across the river, about half a mile from the line.

Q What relation are you to Zeke Harnage? A Half brother.

Q Is he older or younger than you? A He is older.

Q Did you know Walk Mayfield? A Yes, sir.

Q What relation is he to you? A He is my uncle.

Q How long did you continue to remain down there in Sequoyah district immediately after you came? A I stayed there in the bottom until after Christmas, then I went up to Flint.

Q You stayed there until after Christmas of '66? A Yes, sir.

Q About the first of January? A About the first of January sometime.

Q Now did your uncle Walker Mayfield return when you lived there? A No, sir.

Q Now how long did you remain up in Flint? A I stayed up there till about the middle of April and went back down in the bottom.

Q And when you came back had he returned then? A Yes, sir, he was there then when I went back to the bottom.

Q That was in April of what year? A '67.

Q But when you left there after Christmas of '66, about January, he hadn't come? A No, sir, he hadn't come in, we left him in Texas in the fall of '66.

Q You left him there? A Yes, sir.

Q Had he made a crop there in Texas that year? A Yes, sir.

Q You know what kind of a crop, cotton and corn? A Corn and cotton.

Q Well, how far did he locate from your place and from the place that you had stopped when you returned there in April of '67?

A About five miles.

Q He was your uncle? A Yes, sir.

Commissioner: He came there you say in April, '67? A I came back to the bottom in April '67 and he was there when I came.

Q Walker Mayfield was? A Yes, sir.

Q You know when he came there? A No, sir, he came after I left, I left the bottom in January, '67, and went up to my uncle's in Flint

and stayed there till April.

Q And he wasn't there when you left? A No, sir, but when I got back there, he was there.

Q What brings it to your memory that it was in '67? A Because it was in '66 when we came there, in the fall, and I stayed there till that Christmas.

Q You are positive of that? A Yes, sir, and after Christmas I went to Flint.

Q Couldn't have Walker Mayfield come to the Cherokee Nation before that date; you don't know when he actually did come, do you? A No, sir, he wasn't there when I left.

Q He wasn't, you mean, on this place? A No, sir.

Q But you don't know whether he was in any other part of the Cherokee Nation when you left? A No, sir, I don't know whether he was.

Q The first time you saw him was in April, '67? A Yes, sir.

Mr. Hastings: I believe you stated you left him in Texas when you came up here? A Yes, sir, we left him in Texas when we started.

Commissioner: When was that? A In December, or November, '66.

Q He was living there then? A Yes, sir.

Q Did he bring his old slaves with him when he came back? A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q When did you first see Houston West? A I saw them all together at that time.

Q Was Houston West in Texas when you left there? A Yes, sir.

Q Living on Mayfield's farm? A Yes, sir.

Q They made a crop there? A Yes, sir.

Q What kind of crop? A Corn and cotton.

EZEKIEL HARNAGE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Ezekiel Harnage.

Q What is your postoffice? A Foyil.

Q What is your age? A 59 years old.

Q You are a Cherokee citizen? A Yes, sir.

Q You were in Texas when the war closed, were you? A Yes, sir.

Q Now when did you return to the Cherokee Nation? A I came back on the 16th day of December, 1866.

Q Now to what part of the Cherokee Nation did you come? A Sequoyah District.

Q What relation were you to Walk Mayfield? A He was my second cousin; he was a first cousin of my mother's.

Q You and this other witness are half brothers? A Yes, sir.

Q Different mothers? A Yes, sir.

Q Now you came back, I believe you say, to Sequoyah District? A Yes, sir.

Q Now you know Walk Mayfield, do you? A Oh yes.

Q Did you see him in Texas? A Yes, I saw him in Texas.

Q How far did you live from him down there, or did he from you? A About a couple of miles, or hardly that far.

Q Did you leave him, or he leave you there? A I left him there.

Q You moved up there in Sequoyah about December 16, 1866? A Yes, sir.

Q Now what time did Walk Mayfield come to the Cherokee Nation? A To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867.

Q Did he bring his slaves with him? A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q He had some boys, Houston, Callis and George? A Yes, sir.

Q Did you continue to reside there in Sequoyah District from December 16 up until the following April, March or April? A Oh yes, I was there all the while.

Q About how far did Walk Mayfield locate from you when he came?

A I guess it was four miles and a half, or five.

Commissioner: Did you know Houston West? A Yes, I knew them boys.

Q Did he have a sister named Mary? A I don't know anything about the girls.

Q Well, Houston West was a slave of Walk Mayfield? A Yes.

Q When did you first see Houston, after the war? A I saw him after the war, after Mayfield came back to the Nation.

Q With Mayfield's family? A Yes, sir.

Q Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867? A I am positive of it.

Q Is he living? A No, he is dead.

Q His wife living? A No, she is dead.

Q What fact fixes the date of Mayfield's return in your mind?

A The fact of the business is, the fact that fixes it in my mind was about going to work to make a crop.

Q Well, as to the year? A Oh, I know when I moved, and Walk Mayfield come the next spring like.

Q You know that you came in '66? A I know that, I am positive of the fact.

Q Where were you living in '65? A In Texas.

D. M. FALKNER, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A D. M. Falkner.

Q What is your age, Mr. Falkner? A I am about 60.

Q What is your postoffice address? A Hanson, Indian Territory.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Falkner, you have been married, I believe, the second time?

A Yes, sir.

Q What was your first wife's name? A Her name was Rachel L. Adair.

Q That was her maiden name? A Yes, sir.

Q Was she any relation to Walker Mayfield? A Yes, sir, she claimed that Mayfield was her uncle.

Q Did you know Walk Mayfield yourself? A Yes, sir.

Q Where were you living in the year of '66 and the spring of '67?

A I was living in Sequoyah district, Cherokee Nation.

Q Did you know Walk Mayfield before the war? A Yes, sir.

Q When did Walk Mayfield return to the Cherokee Nation after the war? A Well, he returned about the first week of April, 1867.

Q Now Mr. Falkner, tell the Commission why you fix that time, all the circumstances? A Well, this young lady that I spoke of --

Q That you afterwards married? A Yes; she was boarding with my sister, teaching school, and the news come that her uncle had come home from Texas, just from Texas, and I went with her over there, that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in.

Q Well, how far was it that you had to go? A Four miles, and then I went with her over there, and the reason why I am so positive about it, me and her was married about ten or fifteen days after that; that is, this young lady.

Q Your first wife? A Yes, my first wife.

Q Rachel L. Adair? A Yes, sir, and I have got it in the bible at home, my marriage; we were married about a week or fifteen days after he came, and I think it is dated on the 17th of April, or the 27th of April, when me and her were married, and just a few days before that is when me and her went over there.

Q That is her uncle, Walk Mayfield? A Yes, sir.

Q You had heard of him coming these four miles here, and you went over there to see him, and they had just come in? A That is what they claimed, they had just come in.

- Q You hadn't heard of him before that? A No, sir.
- Q Did they have some slaves, colored people, with them?
- A Yes, sir, they had some there, of course I wasn't acquainted with the slaves, but there was an old man named Henry West, and I have known him ever since; they claimed he had brought in his slaves, and that old man was all I seen.
- Q Had they unloaded the wagons when you got there? A There was a covered wagon standing there at the house when we got there.
- Commissioner: What year were you first married, Mr. Falkner?
- A It was in April, '67.
- Q You are positive of that? A Yes, sir, I have got it in the bible at home.
- Q You didn't know Henry West, a slave? A No, sir, I didn't know him, they told me that was his darkies, all I know.
- Q You don't know of Walker Mayfield coming into the Territory before that time at some other point? A No, sir, that is the only time I heard about it, and I lived by him before the war.
- Mr. Hastings: Your first wife is dead? A Yes, sir, she is dead.
- Commissioner: Walker Mayfield dead? A Yes, sir.
- Q His wife dead? A Yes, sir.
- Q Any of his children living? A Well, I don't know, no, sir, all he had three boys and they are all dead.
- Q How far is this Walker Mayfield place, where he came to, from the Cherokee line? A It is about four miles and a half, or five; they crossed there at Fort Smith I suppose, to go to that place.
- Q Four or five miles from that place to Fort Smith? A Yes, sir.
- Q Coming from Texas then that would be the first place they would strike in the Territory? A Yes, sir.
- Q There is where they all crossed? A Yes, sir.
- Q Were you down in Texas? A No, sir, I was at Mulleyville, on the river there, in '66 and '66; '66 I moved over with my

Commissioner: This testimony will be a part of the record in the cases of Callis West, D-1000, and George West, I-990.

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 correct transcript, from his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 6th of September, 1901.

C. R. Beckwith

Commissioner.

File with C. F. D-1000, Callie West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., July 1st, 1901.

In the matter of the application of Houston West for the enrollment of himself and five children as Cherokee Freedmen; he being sworn by Commissioner T.B. Needles, testified as follows:-

- Q What is your name? A Houston West.
Q What is your age? A 47.
Q What is your postoffice address? A Muldrow, I.T.
Q In what district do you live? A Sequoyah district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A Five children.
Q What are their names? A Ida West.
Q How old? A 19 years.
Q Next? A Nancy.
Q How old? A 17 years.
Q Next? A Fannie.
Q How old? A 15.
Q Next? A Georgia.
Q How old? A 13.
Q Next? A William.
Q How old? A 9 years.
Q Is your name on any roll of the Cherokee Nation? A Yes sir the Fern and Wallace rolls.
Q Are you married? A I have been, am not now.
Q Is your wife living? A The mother of these children is not living.
Q What was her name? A Lizzie Albert when I married her.
Q When were you married to her? A In '79.
Q Why is your name not on the roll of 1880? A I have always tried to get it on.
Q You have failed though? A Yes sir.
Q Is your wife a citizen? A Yes sir.
Fern Clifton roll examined and the name of the applicants found as follows:-
Page 111, No. 2763, Houston West, Illinois District.
Page 111, No. 2765, Ida West, "
Page 111, No. 2766, Nancy West, "
Page 111, No. 2767 Fannie West, "
Page 111, No. 2768, Georgia West, "
Page 111 No. 2770 Willie West, "
Wallace roll examined and the name of the applicant found as follows:
Page 147 No. 3066 Houston West, Sequoyah District.
Page 147 No. 3069 Ida West, "
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Walk Hayfield.
Q Was he a Cherokee citizen? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Texas.
Q When did you return? A In '60.
Q What time in '66? A It was the winter.
Q Were you married then? A Yes sir.
Q Have you lived in the Cherokee Nation continuously since then? A Yes sir.
Q Where these children born here? A Yes sir.
Q And they lived here all the time? A Yes sir.
Q How do you prove your marriage? To your wife Lizzie? A Yes sir.
Q A marriage certificate? A Yes sir.
By L.R. Hall, Cherokee Representative-
Q Who was your father? A Henry West.
Q And your mother? A Phoebe.

- Q And you belonged to the Mayfields? A Yes sir.
 Q Where were you living when the war commenced? A On the old Blackburn place in Sequoyah.
 Q When did you go to Texas? A The second year of the war.
 Q Where did you stop at there? A At the old Mayfield place near Bellville, Texas.
 Q Did your father belong to Walk Mayfield at the beginning of the war? A Yes sir.
 Q When did your return here? A In '66.
 Q Who with? A Walk Mayfield and his family.
 Q What was his wife's name? A Jane Blackburn before she married her.
 Q What ever became of your father? A Died.
 Q Is your mother alive? A No sir.
 Q Just you and Walk's family came together? A That is all.
 Q By the Commission-
 Q What did your father die? A In '93 or '4.
 Q When did your mother die? A She died before he did.
 Q Your father and mother are not on the roll of 1830? A No sir but I have a sister on the 1880 roll.
 Q What is her name? A Mary Whitmore
 Q Is she married now? A Yes sir.
 Q Did she go to Texas with you? A Yes sir.
 Q and did she return with you? A Yes sir.
 The 1830 authenticated roll of the Cherokee Nation examined and the name of the applicant's sister found as follows-
 Page 728 No. 1396, Mary Whitmore, Sequoyah District
 Q You say this is your full sister? A Yes sir.
 Q Same father and mother? A Yes sir.

Harrison Foreman called and sworn as a witness for the applicant:

- Q What is your name? A Harrison Foreman.
 Q What is your age? A 43
 Q What is your post-office address? A Catsosa.
 Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
 Q A Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Since the war.
 Q Was he a slave? A Yes sir that is what I hear.
 Q When did you first see the applicant after the war? A I cant be positive as to the exact time, in '66 I believe.
 Q Where? A I was the ferryman at Fort Smith and I ferried him over the river.
 Q Who was with him? A Walk Mayfield and his family and the applicant's father and mother
 Q And you think it was in '66? A Yes sir.
 Q Has he lived in the Cherokee Nation since '66? A Yes sir.
 Q By Bell-
 Q What time of the year was that? A I dont know if it was in November or December, but along there.
 Q Walk Mayfield was his former owner? A Yes sir.
 Q Is Walk living? A No sir.

Dennis Bean called and sworn as a witness for the applicant

- Q What is your name? A Dennis Bean.
 Q What is your age? A 42.
 Q What is your post-office address? A Muddrow.
 Q Are you a Cherokee freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Ever since-- I think it was the fall of '66.
 Q Was he a slave? A Yes sir.
 Q Who owned him? A Walk Mayfield.
 Q Did this applicant go out during the war? A I guess they did.
 Q When did you first see them after the war? A They was coming through making their way up by where I lived in '66, I lived on the

- bank of the Arkansas this side of Fort ~~Climax~~ Smith.
- Q Who was with this applicant then? A His father and mother and two sisters I think a man named Tom Hornage and a woman named Agric and Dave West.
- Q Was Walk Mayfield with him? A Yes sir that was his owner.
- Q Has this applicant lived here ever since? A Yes sir.
- By Hall-
- Q Where were you living then? A On this side of the river on the place that belonged to Menerva Thornton. The house is caved in now.
- Q Was that the old George Johnson house? A No sir that was below us.
- Commission
- Q You are positive that you are correct as to these dates? A Yes sir.
- Q What circumstance makes you think it was in '66? A Because they was all harping about the '66 treaty men.
- Albert Johnson called and sworn as a witness for the applicant
- Q What is your name? A Albert Johnson.
- Q What is your post office address? A Benge.
- Q What is your age? A 43.
- Q Do you know the applicant? A I do.
- Q How long have you known him? A Ever since I was a boy.
- Q Was he a slave? A I guess he was, he was with Walk Mayfield.
- Q Did he go out of the Cherokee Nation during the war? A Must have he came back.
- Q How do you know he came back? A Moved on the Lilly Starr place in the fall of '66.
- Q Where is that? A This side of the Arkansas river.
- Q Who was with him? A His mother and father.
- Q How you know him ever since that time? A Yes sir.
- Q You are sure that it was in '66? A As my memory serves me it was '66.
- Q You was here yourself then? A Yes sir.
- By Hall-
- Q Who was with him, was Walk Mayfield with him? A Yes sir.
- Commission;
- Q Was Walk Mayfield a Cherokee citizen? A Said to be.
- Q Do you know this applicant's wife? A Yes sir.
- Q Do you know they were married? A Yes sir.
- Q Was you there when they married? A Yes sir.
- Q And saw them married? A Yes sir.
- Q Was married then? A Jenkins.
- Q What was her name when she married him? A I dont know now.
- Q Where were they married? A At the Fox place.
- Q Have they lived together since then continuously as man and wife? A Yes sir.
- Q And raised family? A Yes sir.
- By Court Recdles,-

Houston West applies for himself and five children, I. J. Nancy, Fannie, Georgia and William West; he cannot be identified on the authenticated roll of 1820 or the census roll of 1890; he is identified on the Vern Clifton roll and the Wallace roll according to the page and number of the rolls as indicated in the testimony; he avers that he was the slave of Walk Mayfield, that he was taken out of the Cherokee Nation during the war and returned in 1865 with his master Walk Mayfield, and offers evidence to establish that fact. He makes satisfactory proof of his marriage to Lizzie Albert now deceased, who is the mother of his children; all of his children are identified on the Vern Clifton roll; he avers that he is the full brother of Mary Whinnire, they having the same father and mother; she is now married and enrolled on the authenticated roll of 1890; he avers that she returned to the Cherokee Nation with him at the same time as his father and mother and the balance of the family; the evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Na-

tion, and protests, the enrollment, averring that they have witnesses with which to rebut the evidence now given; consequently, the said Houston West and his five children will be listed for enrollment as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at he will be notified by mail.

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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.

(signed) Chas von Weise.

Subscribed and sworn to before me this the 15th of July, 1901.

(signed) T. J. Needles,
Commissioner.

W. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

W. D. Green

Subscribed and sworn to before me this September 17th, 1901.

T. J. Needles

Commissioner.

F. D-889.

To be filed with C. E. D. 1000, Callis West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 25, 1902.

In the matter of the application of Houston West for the
the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-889.

APPEARANCES:

A. S. McRae for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book from the records of the Executive Department of the Cherokee Nation entitled, Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871, and from that part of the book headed Doubtful Roll Sequoyah District, No. 143, the following:

"Henry West.
Decided against claimant June 15, 1871."

The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Chambers Court, on June 12, 1871, as shown from the citizenship record, No. 1, page 9, in the case of Henry West vs. the Cherokee Nation, the same being signed by John Chambers, President of the Commission, O. P. Brewer, George Downing, Commissioners, countersigned D. L. Nicholson, Clerk of Commission, as follows:

No. 1. Henry West) Claim of Citizenship. Before the
vs) Commission on Citizenship, sitting at
Cherokee Nation.) Tahlequah, C. N. June 12th, 1871

This case, comes under that class of cases, of which the Commission have jurisdiction under act of Dec. 1877, claiming citizenship under the 9th Article of the Treaty of 1806, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the Rebellion. Claimant was afterwards sent to Texas, by his owner, but returned in time, that is, within six months after the ratification of the treaty of 1866.

The facts above are proven satisfactorily, except as to the time of the return to the Nation. This is the turning point in Henry West's case. The Comm find that the only testimony on that point, is the statement of Walter Hayfield, who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the Act establishing the Comm to the time mentioned in the amendments to the Cherokee Constitution, so far as to the exact time of the ratification of said treaty is concerned, which places it, on the 19th day of July 1866; and hence claimants return

in April 1867, is more than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of the Commission; and consequently they decide that said claimant is an intruder, on the Public Domain of the Cherokee Nation.

Attest:

D. L. Nicholson,
Clerk Comm.

John Chambers,
President Commission.
O. P. Brewer)
George Downing,) Commr."

Attention is called to the fact that at the head of the decision, dated June 12, 18-- , that the date is omitted, but the decision on page 8 of the same book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1878, and the case upon the page following this decision, the same being that of Grill Miller vs. the Cherokee Nation, is dated June 12, 1878.

MR. MCRAE: To all of which the applicant objects for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in his case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record as cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and subsequently would have no bearing on the rights and the status of these applicants. It would further appear that these applicants, Houston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and had been by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, they being claimants in their own rights and status. Mr. Hastings, I'll swear you, without waiving any of the objections.

W. W. Hastings, Being first duly sworn, testified as follows:

MR. MCRAE: Your name? A W. W. Hastings.

Q Age and postoffice address? A I am 35 years old and postoffice is Tahlequah.

Q Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this Commission appointed? A By an act of the Cherokee National Council, so I am informed and the records show.

Q I will ask you if it is not the law under the Constitution of the Cherokee Nation that in the appointment of these alleged Commissions on citizenship, if when the Commission has exercised its duty as regards the same, that before the same can become a law, either for or against the applicants as appear before these respective Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A Well

I haven't that law before me, but I have no doubt from the evidence that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.

Q Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective Commissions and their cases were submitted to the Council for admission or rejection? A There weren't any so far as I know except--there weren't any submitted to the National Council except, so far as I know, except some in 1871; none of these later Commissions they had full authority to investigate and admit themselves or reject, and this Commission had authority to admit or reject, and the Council have no supervisory control over it.

Q Then the action of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes, sir.

Q The Chambers Commission? A Yes, sir. Well I was stating in judgment of the law, I wasn't there, you know; never practised before it.

Q How about the Commission of 1871, known as--what's the name of that Commission? A Well, in 1869 an act was passed allowing certain people to go before the Chief Justice of the Supreme Court, and he had hearings up until some--in 1871, I don't remember the exact date, but under that class of cases, and under that act, my recollection was that it was December 3, 1869, but I wouldn't be positive as to that, but anyhow under that the justice of the Supreme Court heard applications, and referred them to the National Council, but I know of no other authorities that did; don't recall any.

Q Who was the president of the Commission of 1871, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vann; I know he was along about that time, but perhaps I am mistaken. Well, this record here shows that R. B. Daniels was Chief Justice in 1871. John S. Vann was along about that time, I don't know how just when he went in or out.

Q Who was the member of the Commission appointed to hear citizens who made application in '71? A This book shows that R. B. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.

Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of Doubtful Cases for Cherokee citizenship tried in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that of a day book than that of a regular record kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testified as follows:

MR. MCRAE: What is your name? A My name?

Q Yes, sir? A Thomas A. Williams.

Q Your age? A I am 61, going on 62.

Q Postoffice address? A Muldrow, Indian Territory, Sequoyah District.

Q Mr. Williams, are you acquainted with Houston West and brothers?

A Yes, sir, I am acquainted with Houston and especially acquainted with Callis West.

Q How long have you known him? A Well, sir, in 1866 I had a bunch mules, myself and Crosby, and we was keeping them on Camp Creek there right below old man West's, and some time in the early part of the winter perhaps, just before Christmas, two or three or four days, Walk Hayfield brought the family back there, they were chaps.

Q Who was Walk Hayfield? A Walk Hayfield? That was a Cherokee I took him to be.

Q Where was he when you saw him in '66? A I saw them and camped just about-abouts, when they first came there they came just above where the bridge is.

Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was crossing there with the mules.

Q Now I will ask you, Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in and out of the Cherokee Nation, well, let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it.

I was in the Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a chop, I believe it was in '74, and then in '77 I became an adopted citizen, and I have been here most of the time since.

Q Were you acquainted with the father and mother of these boys?

A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.

Q You are positive that it was some time in the month of December, '66? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.

Q In the Cherokee Nation? A They were in the Cherokee Nation, because I and Crosby was driving a little bunch of mules we had, taking them over.

Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '66? A Yes, sir to the best of my knowledge their family has lived and remained right there.

Q You have had occasion to see them oftentimes since then? A Very often, we were hunting stock there very often.

Q And you say that your knowledge and acquaintance with Callis is of a very intimate nature? A Yes, sir.

Q A good character? A Yes, sir, he a truthful, honest, straight, upright man so far as I know.

Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee Funds.

MR. HASTINGS: When did you draw money? A I think it was in '79 and maybe '82, the record shows. Daves Commission found me on the record, and you can find me there very easy.

Q Don't you know that they didn't pay out any money either in '79 or in '82 to anybody in the Cherokee Nation, and the records will show it? A Well, I don't remember the exact year, but it was along there somewhere, I drew in Tallapoosa and I drew in Vinita.

Q Do you remember more about when you saw Callis West than you do when you drew money yourself? A I made no minute of that.

Q Well did you make any minute of seeing him? A I made a minute of some cows that he had got in.

Q Some cows? A They made some record, that I remember very well.

Q What's Callis' wife's name? A I don't know both: which, his first wife?

Q Yes, sir. A I don't remember what his first wife's name was.

Q How many children did he have when you first saw him? A Why he didn't have any one.

Q Did he have a wife? A No, sir, wasn't no wife.

Q About how old was he when you first saw him? A I don't know; he was a kid of a boy.

Q Don't have any idea about that? A No, I couldn't think about it.

Q With whom were you living when you first saw him? A I was living with myself.

Q Where? A Why I was going from Fort Smith to Jennie Lind around; we had a bunch of cattle, they were scattered, and some cattle in the Cherokee Nation, and quite a little land in Arkansas.

Q Who owned them? A He and Jesse Crosby, that fell out of a two-story window in Fort Smith and broke his neck in two.

Q He isn't alive now? A No, sir, he's dead now.

Q Do you know any other Cherokees over there in '66? A Why I think I did. Uncle Billie Wilson.

Q He's dead too? A Yes, sir.

Q Was he there in '66? A He was quarters there in '66 I think.

Q Now, Mr. Williams, Walker Hayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 4th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Hayfield swore.

Q Well do you say that isn't true?

MR. MCRAE: You say that Walker Hayfield has testified to that in this case?

MR. HASTINGS: No, I say he has testified and the record shows.

MR. MCRAE: This record?

MR. HASTINGS: Yes, sir.

MR. MCRAE: This judgment just offered here?

MR. HASTINGS: Yes, sir.

Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Hayfield here. Whether he went back into the state and come back again into the Nation I don't know.

Q Mrs. D. M. Faulkner swore in '90 that her uncle, Walker Hayfield, came there about the first of April, '67, and that she was teaching school in that vicinity, and that she went out there to see him. Do you say now that you put your judgment, and you a stranger, as against those who were blood relatives? A I put my recollection, I am telling just as I remember it; it certainly was just before Christmas that we drove our miles over, and the family was certainly there; to the best of my recollection it was just before Christmas.

Q D. M. Faulkner, who lives at Hanson, swears that Walker Hayfield, who was his wife's uncle, came back in '67 in April, do you dispute that? A Why I am not disputing; I am telling you the best of my recollection, and I recollect where I first saw Walker Hayfield when I came back from Texas.

Q Did you know him before the war? A I had seen him a few times.

Q Where did he live? A He lived right close to where the railroad runs now.

Q Did you see him there? A Not him in Fort Smith, and I have seen him over in the Nation.

Q In the Nation before the war? A Yes, sir, I was all through that country before the war.

Q Was Walker Hayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.

Q Did you ever leave the Cherokee Nation before the war? A I had a horse, a solid horse, in the Cherokee Nation before the war as a matter of fact.

Q Well now where did you keep those cattle in the Cherokee Nation in '66? A We bought some cattle in the Cherokee Nation.

Q Well where did you keep them though? A Just bought them and let them run until we come and drove them out.

Q Then they were just scattered on the range? A Scattered all around, they were all over there, and I bought some from a woman by the name of Price.

Q Where did they live? A Somewhere on Camp Creek.

Q You have just now been rejected by the Commission as an applicant for citizenship, haven't you? A Yes, sir, I don't care anything about the rejection; I would rather be a white man than a Cherokee so far as my preference is concerned.

Q Well you have got your preference? A I have got it, too. The young clerk here, I like him splendid for giving me my preference.

Q Well you just answer my questions. How you are willing to swear as against those other people that the family came back there just before Christmas, '66? A To the best of my knowledge.

Q Then you are not positive about it? A To the best of my knowledge. That's what the young man qualified me to swear, to the best of my recollection.

MR. MCRAE: You have knowledge of years, haven't you? A It seems to me like I ought to have; I was born in '41, and I was a United States soldier, and I ought to have been old enough to have some knowledge of things. I wouldn't story for Callis West to get into the Cherokee Nation.

Q Well you aren't any more likely to be mistaken in your statement than Mr. Hayfield would be in his? A No, sir.

MR. HASTINGS: But Mr. Hayfield testified in '78, only 13 years after that time.

COMMISSION: This testimony will be filed in and made a part of the record in the following Freedmen cases: D-998, being that of Nancy Starr; D-990, being that of George West et al; D-1000, being that of Callis West; D-1032, being that of Eugenia Harris et al; and D-1054, being that of Callis West, and in the case at bar, D-339, the same being the case of Houston West et al. It appears from the records of the Commission that the above named applicants are all represented by A. S. McRae.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of July, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this the 20th day of Aug., 1902.

B. C. Jones

Notary Public.

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

In the matter of the application of Houston West, et al./
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of

Houston West, et al.,		Cherokee Freedmen D 989,
George West, et al.	Q	" " Q D 990,
Callis West	"	" " " D 1000,
John West	"	" " " D 1030,
Lugenia Harris, et al.,	"	" " " D 1032,
Callis West,	"	" " " D 1054.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission, by Houston West for himself and his minor children, Ida, Wandy, Fannie, Georgie and William West; by George West for himself and his minor children, George, Jr., Jessie, Albertha and James West as Cherokee Freedmen, and for his wife, Lizzie West, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Lizzie West, as such, will not be passed upon or considered in this decision; by Callis West (son of Henry West), for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris, and by Callis West (son of Houston West), for himself.

The evidence shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said nation; that all the other applicants herein, except Lizzie West, John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), are descendants of Henry and Phoebe West, or of Houston West, and, having been born since 1866, their rights to enrollment are derived solely through their said ancestors.

The evidence further shows that the said John West, Lugenia Harris and Janie Harris were born since 1866, and are the descendants of Rose West and Millie West; and that they acquired no greater rights, as Cherokee Freedmen, than were possessed by their said ancestors. It does not appear that either Rose West,

or Millie West was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. None of said applicants' names are found on the 1880 authenticated Cherokee roll.

It further appears that the said James West died on June 17, 1902.

Section twenty-five of the act of Congress, approved July 1, 1902, (32 Stats., 716), provides as follows:

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

It is, therefore, the opinion of this Commission that the applications for the enrollment of Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George West, George West Jr., Jessie West, Alberta West, Callis West (son of Henry West), John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 496), and it is so ordered; and it is further ordered that the application for the enrollment of James West as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of the law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman

(Signed) T. B. Needles
Commissioner

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory

this Aug 5 1904

41 0000

IS

MAR 21 1900

[Handwritten signature]
SUPERVISOR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Cherokee Commission,
Doanwood, I.T.

Cherokee F-D-1000

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen

D-1000.

Muskogee, Indian Territory, August 16, 1904.

Callis West,

Cottonwood, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Encl. S-63.
Register.

Commissioner in Charge.

COPY

Cherokee Freedmen
D-989-990-1000-1030
-1032-1034.

Washkoga, Indian Territory, August 17, 1904.

Castings, Bell & Ravenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision in the consolidated case of Houston West, et al., rejecting the applications for the enrollment of Houston, Ida, Nancy, Parale, George, Willie, Callie, John, Callie, George, George Jr., Lucie and Alberta West, and Magania and Janie Harris, as Cherokee freedmen, and Merisula - the application for the enrollment of James West, having died prior to September 1, 1902.

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. 8-69.

Commissioner in Charge.

Cherokee Freedmen
D-989-1000-1030-
1032-1054.

Muskogee, Indian Territory, August 17, 1904.

A. S. Foster,
Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 6, 1904, in the consolidated case of Houston West, et al., rejecting, among others, the applications for the enrollment of Houston, Ida, Percy, Wandle, George, William, Callis, John and Callis West, and Francis and Jennie Harris as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

Encl. S-66.
Register.

Commissioner in Charge.

Charlotte Freeman

COPY.

D-0-8-920-1000-
1080-10-13-1.

Wickiwoog, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Houston West, et al., including the Commission's decision, dated August 1, 1904, rejecting the applications for the enrollment of Isaac, Ida, Nancy, Sarah, Morris, William, Collins, John, Collins, George, George J., et al. and Albert West, and Lucenia and Jessie Morris, as Cherokee freedmen, and also including the application for the enrollment of James West, which was filed prior to September 1, 1902.

Respectfully,

Wick. 9-90.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Refer in reply
to the following:
Land
37356-1904.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Houston West and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West; by Callis West (son of Henry West) for himself; by John West for himself; by Eugenia Harris for herself and her minor child, Janie Harris and by Callis West (son of Houston West) for himself.

August 5, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the beginning of the war of the rebellion, that they were taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867; that all the other applicants except John West, Eugenia Harris and Janie Harris were born

since 1866, and are the descendants of Bose West and Millie West, and that they acquired no greater rights than were possessed by their ancestors. It does not appear that either Bose or Millie West were the slaves of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

A. G. Tenner

Acting Commissioner

M. M. W.

D. C. 39949-1904
I.T.D. 7604-1904

(C O P Y)

W. C. F.
J. P.
FHE
L. R. S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 15, 1904.

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

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Houston West et al.

It appears that applications were made for the enrollment as Cherokee freedmen of Houston West and his minor children, Ida, Nancy, Fannie, Georgie, and William West; of George West and his minor children, George Jr., Jessie, Albertha and James West, and his wife, Lizzie West; of Callis West (son of Henry West); of John West; of Eugenia Harris and her minor child, Janie Harris; and of Callis West (son of Houston West). The application for the enrollment of the applicant Lizzie West as a Cherokee freedman by intermarriage was not passed upon by you, and is therefore not included in this decision.

It appears that the applicant James West died June 17, 1902. On August 5, 1904, you dismissed the application for the enrollment of James West, and decided that all the other applicants herein are not entitled to enrollment.

Reporting September 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved, and on September 21, 1904, he forwarded a petition, in behalf

of the applicants, praying for the reopening of the case.

It appears that Houston West, George West and Callis West are brothers of Nancy Starr; that their father was Henry West: that Houston West and Callis West were born prior to 1866; that they were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and returned with Nancy Starr. The applicant George West appears to have been born after the return of Henry West to the Cherokee Nation.

In the case of Nancy Starr the testimony in the case of Houston West was made a part of the record, and on September 17, 1904, the Department held that the evidence submitted concerning the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned prior to February 11, 1867.

It appears that the applicants John West and Lugenia Harris were born subsequent to 1866, and are son and daughter of Boce West, a brother of the applicant Houston West. The evidence shows that Boce West did not return to the Cherokee Nation prior to February 11, 1867.

Your decision, in so far as it affects said John West, Lougenia Harris and Janie Harris, is therefore approved. Your decision in so far as it affects Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George

West, George West Jr., Jessie West, Albertha West, Callis West
(son of Henry West), and Callis West (son of Houston West),
is reversed, and you are directed to enroll said applicants as
Cherokee freedmen.

A copy of the Acting Commissioner's letter is
inclosed.

Respectfully

1 inclosure

Thos Ryan
Acting Secretary

Cherokee Freedmen
D-1000

Mustoee, Indian Territory, November 2, 1904.

Callis West,

Cottonwood, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll you as a Cherokee freedman.

Respectfully,

Chairman.

Cherokee Freedmen
D-989, D-1000, D-1054

Muskogee, Indian Territory, November 2, 1904.

A. S. McRea,
Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting, among others, the applications for the enrollment of Houston West and his minor children, Callis West (son of Houston West), and Callis West (son of Henry West), as Cherokee freedmen, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll all the applicants as Cherokee freedmen.

Respectfully,

Chairman.

Cherokee Freedmen
D-989-990-1000-1054

Muskogee, Indian Territory, November 2, 1904.

Wells, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, Lizzie, George Jr., Jessie, Albertha, Callis, (son of Henry West), and Callis (son of Houston West), as Cherokee freedmen, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Chairman.

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

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233	-----	Mary Harris, et al.,
F-1234	-----	Joseph Curry,
F-1235	-----	Ostella Martin, et al.,
F-1236	-----	Harrison Curry,
F-1281	-----	Eliza Gaines,
F-1282	-----	Jane Webb,
F-1283	-----	Mary Mabry, et al.,
F-1284	-----	Berry Thompson, et al.,
F-1285	-----	Julia Nash,
F-1286	-----	Georgia Jones, et al.,
F-1287	-----	John H. Nash, et al.,
F-1288	-----	Malinda Johnson, et al.,
F-1289	-----	Martha Groves, et al.,
F-1290	-----	Berry Nash,
F-1291	-----	Edward Nash,
F-1292	-----	Carrie Harris, et al.,
F-1293	-----	Ella Humes,
F-1295	-----	Michael Martin,
F-1296	-----	George Martin, et al.,
F-1297	-----	Joshua Martin,
F-1298	-----	Edward Brown, et al.,
F-1299	-----	Israel Martin, et al.,
F-1300	-----	Nellie Brown, et al.,
F-1301	-----	Harriett Tucker, et al.,
F-1302	-----	Mydia Carter,
F-1303	-----	Allie McElroy, et al.,

F-1304-----Robert Harper,
F-389-----Mary Robbins, et al.,
F-1414-----Houston West, et al.,
F-1418-----George West, et al.,
F-1416-----Callis West,
F-1417-----Callis West,
F-1494-----Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	-----Mary Harris,
3440	-----Irene Harris,
3441	-----Olive Harris,
3442	-----Rheta Harris,
3443	-----Joseph Curry,
3444	-----Ostella Martin,
3445	-----Ira Martin,
3446	-----Cecil Martin,
3447	-----Roy Martin,
3448	-----Myrrh E. Martin,
3449	-----Harrison Curry,
3530	-----Eliza Gaines,
3531	-----Jane Webb,
3532	-----Mary Mabry,
3533	-----Frank Mabry,
3534	-----Berry Thompson,
3535	-----Elmer Thompson,
3536	-----Lee Thompson,
3537	-----Morrison Thompson,
3538	-----Julia Wash,
3539	-----Georgia Jones,
3540	-----John V. Jones,

Roll No.	Name.
3541	Ellen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralis Jones,
3548	John M. Nash,
3549	Allie Nash,
3550	Jeane H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lettie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Mva Johnson,
3558	Annie Johnson,
3559	Peter McKinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter W. Grooms,
3566	Leuretha Grooms,
3567	Berry Nash,
3568	Edward Nash,
3569	Currie Harris,
3570	Delilah Harris,
3571	Ella Hames,
3572	Michael Martin,
3573	George Martin,
3574	Alice Martin,
3575	Martha Martin,
3576	Gilfton Martin,
3577	Ethel Martin,
3578	Jane Martin,
3579	Joshua Martin,
3580	Edward Brown,
3581	Henry Brown,
3582	Stella Brown,
3583	Laura Brown,
3584	Israel Martin,

Roll No.	Name.
3586	Mizzie Martin,
3587	Minnie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Nellie Brown,
3592	Hoxie Brown,
3593	Hoses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clas Martin,
3599	Dana Dean,
3600	Hannetta Kour,
3601	Charles Tucker,
3602	Floyd Tucker,
3603	Samuel L. Tucker,
3604	Lucia Carter,
3605	Allie Mastroy,
3606	Eta Taylor,
3607	Robert Harper,
3608	Mary Robbins,
3609	Dollie Rogers,
3610	Chas. Jones,
3611	Houston West,
3612	Ida West,
3613	Wanda West,
3614	Theresa West,
3615	Georgia West,
3616	William West,
3617	George West,
3618	George West, Jr.,
3619	Jessie West,
3620	Albertina West,
3621	Callie West,
3622	Callie West,
3623	Callie West,
3624	Henry West,
3625	Callie West, Jr.,
3626	Cornelius West,
3627	Charlie West,
3628	Carrie West,
3629	Ella West,
3630	Patie West,
3631	Walter West,
3632	Sadie West,

Roll No.	Name.
4088 -----	Martha West,
4089 -----	Vinita West.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, September 28, 1906

The Honorable,

The secretary of the Interior.

Sir:

There is transmitted herewith a motion made by the attorney for the Cherokee Nation to review the Cherokee freedmen cases of Houston West et al., D 989, George West et al. D 990, Callis West, D 1000, and Callis West, D 1054. This motion was filed with this office June 25, 1906. There is also transmitted herewith the reply to said motion made by the attorney for applicants.

These applications were included in the Cherokee freedmen consolidated case of Houston West et al., D 989 et al., in which the Commission to the Five Civilized Tribes, on August 5, 1904, rendered its decision rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, George Jr., Jessie, Albertha, Callis (son of Henry West), and Callis West (son of Houston West). The decision of the Commission

Secretary-2

adverse to said applicants was reversed by the secretary of the Interior, October 15, 1904 (I.T.D. 7604-1904) and said applicants ordered enrolled as Cherokee Freedmen.

The Nation asks for a review of the department's decision as to the above named applicants, and that they be rejected for the reason that Henry West, father of the principal applicants, Houston, George, and Callis West, and grandfather of all the other applicants, was denied citizenship in the Cherokee Nation by the Supreme Court of said Nation on June 15, 1871; that on June 12, 1878, said Henry West, having applied to the Cherokee Court for Cherokee citizenship, was denied by said Court, and that, under the rulings of the Department in the Cherokee Freedmen cases of John Morgan, rendered March 5, 1905 (I.T.D. 10715-1905), and Harry Still, rendered October 3, 1905 (I.T.D. 7555-1904, 13208-1905), the applicants are not entitled to enrollment as Cherokee Freedmen.

The Department in its decision of October 15, 1904, found that Houston, George and Callis West, are brothers of Nancy Starr; that their father was Henry West;

Secretary-3

that Houston and Callie West were born prior to 1866 and were slaves of a Cherokee citizen at the beginning of the war; that they were taken out of the Cherokee Nation during said war, and that they returned to the Cherokee Nation with Nancy Starr. The Department, on September 17, 1904 (I.T.D. 6943-1904) held that the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned thereto prior to February 11, 1867; the decision of the Commission to the Five Civilized Tribes dated July 1, 1903, holding that, among others, Nancy Starr was not entitled to enrollment as a Cherokee freeman, was reversed by the Department.

The record of proceedings had in the case of Nancy Starr, et al., and also in the case of Houston West, et al., shows the proceedings had before the Supreme Court of the Cherokee Nation and the Chambers Court, and the Department, referring to said proceedings, in the Starr case held:

*The Department does not consider that the decision of the courts above referred to in the case of Henry West are binding upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show

Secretary-4

that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867."

The Departmental decisions cited by the Attorney for the Cherokee Nation in the Morgan and Still cases (I. T. D. 10716 and I. T. D. 7658-1904, 1 208-1905, respectively), are directly upon the point as to what weight should be given decisions by the Cherokee courts, and inasmuch as they are at variance with the position taken by the Department in the Starr case, it is respectfully recommended that the Department's decision of October 15, 1904, in the Houston West case, be reconsidered. See also Departmental decision of September 7, 1906 (I. T. D. 15372-1906), in the Cherokee Freedman case of Anon Adair et al.

The record shows that the Indian Office, on September 21, 1904, transmitted to the department a petition in behalf of applicants for a rehearing of their case, and this office considers that before any action adverse to

Secretary-5

the applicants is taken, they should be given a further opportunity to be heard.

The records of this office show that the names of the applicants to whom the Nation's motion refers, are included in a schedule of Cherokee freedmen approved by the Department April 19, 1905, opposite Nos. 3866 to 3877, inclusive; that applications for the selections of allotments of land in the Cherokee Nation for all of said parties have been made; that certificates describing the land selected for them, except as to the homestead designated for William West, Roll No. 3871, have been issued, and that no deeds describing land selected for them have been prepared. In this connection reference is made to Departmental Decision of July 19, 1905 (I.T.O. 9862-1905, 7602-1906), in the Cherokee Freedmen case of James Rogers.

Immediately upon receipt of the Nation's motion for a review in the West case the United States Indian Agent, Union Agency, Muskogee, Indian Territory, was advised thereof.

Respectfully,

Through the
Commissioner of Indian Affairs.

J. M. B.

Encl. B-79

9-21-1905
Commissioner

Copy.

Land
100307-1906
49765-1906
86139-1906

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

October 29, 1906.

The honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter from Commissioner Bixby, dated September 28, 1906, with which is enclosed a motion made by the attorney for the Cherokee Nation to review the Cherokee freedmen cases of Houston West et al., D 989, George West, et al. D 990, Callis West D 1000, and Callis West, D 1054. This motion was filed with the office of the commissioner to the Five Civilized Tribes June 25, 1906. There is also transmitted the reply to that motion made by the attorney for the applicants.

Commissioner Bixby reports that these applications were included in the Cherokee freedmen consolidated case of Houston West et al., D 989, in which the Commission to the Five Civilized Tribes on August 5, 1904, rendered its decision rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgia, William, George, George, Jr., Jessie, Albertha, Callis, (son of Henry West), and Callis West, (son of Houston West.)

The decision of the Commission adverse to the applicants was reversed by the Department October 15, 1904, (I.T.D. 7604-1904),

and the applicants ordered enrolled as Cherokee freedmen. The Cherokee Nation, through its attorney, asks for a review of the Department's decision as to the above named applicants, and that they be rejected for the reason that Henry West, father of the principal applicants Houston, George and Callis West, and grandfather of all the other applicants, was denied citizenship in the Cherokee Nation by the supreme Court of that nation on June 15, 1871; that on June 12, 1878, Henry West having applied to the Chambers Court for Cherokee citizenship, was denied by that court, and that under the rulings of the Department in the Cherokee freedmen cases of John Morgan, rendered March 5, 1905, (I.T.D. 10716-1905), and Harry Still, rendered October 5, 1905, (I.T.D. 7658-1904, 13208-1905), the applicants were not entitled to enrollment as Cherokee freedmen.

The Department in its decision of October 15, 1904, found that Houston, George and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston and Callis West were born prior to 1866 and were slaves of a Cherokee citizen at the beginning of the War of the Rebellion; that they were taken out of the Cherokee Nation during the war, and that they returned to the Cherokee Nation with Nancy Starr.

The Department on September 17, 1904, (I.T.D. 6943-1904) held that the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned thereto prior to February 11, 1867, and the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, holding that, among

Copy

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

LAND:
103300-1906.

December 8, 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 November 23, 1906, enclosing a motion by the attorney for the Cherokee Nation, filed in his office June 25, 1906, asking for a review of the Cherokee freedmen case of Henry West et al., children of Callie West.

The record in the case of Callie West was transmitted to you in Office letter of October 29, 1906, (Land: 100307-1905, 49765-1906, 86139-1906).

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

EVB-EH

Muskogee, Indian Territory, January 9, 1907

Special.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a decision of the Commissioner to the Five Civilized Tribes dated January 9, 1907, rejecting the application for the enrollment of Ada Kilpatrick, Ivy Kilpatrick, Warren Kilpatrick, Easter Kilpatrick and Mariah Freeman, as Cherokee Freedmen, together with the record of proceedings had in the case.

The principal applicants in this case, Ada Kilpatrick and Mariah Freeman, are children of Callis West, son of Henry West, and the name of Callis West appears upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior April 19, 1905, opposite Number 3876. In connection with this case the Department's attention is called to this office's report of September 26, 1906, transmitting a motion by the Attorney for the Cherokee Nation to review the Cherokee freedman case of Callis West, father of Ada Kilpatrick and Mariah Freeman, and other

Secretary-2

cases with which the case of Callis West was consolidated.

This office on that date recommended that the Nation's motion for a review be granted, and that the consolidated case of Houston West, et al., including the case of Callis West, in which the Department, on October 15, 1904 (I.T.D. 7604-1904), reversed the decision of the Commission to the Five Civilized Tribes adverse to the applicants, and ordered their enrollment as Cherokee freedmen. The proceedings had in the West cases, and the status of the land for which the applicants in said case have applied to take as allotments, were set out fully in this office's report of September 28, 1906.

The applicants in the case herewith transmitted possess no rights to enrollment as Cherokee freedmen other than as descendants of said Callis West. The record in the case seems to show beyond any doubt, that Callis West and the other principal applicants embraced in the Cherokee freedmen case of Houston West et al., did not return to the Cherokee Nation within the time required to entitle them to Cherokee freedman citizenship.

It is suggested that the Department consider

Secretary-#3

the record in the case herewith transmitted in connection with the Nation's motion for a review of the West case.

In view of the record in this case it is respectfully recommended that the Department reverse its said decision of October 15, 1904 , favorable to the applicants in the case of Houston West et al., and that the applicants in that case be denied enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-28

Commissioner

others, Nancy Starr was not entitled to enrollment as a Cherokee freedman was reversed by the Department.

Commissioner Bixby reports that the Departmental decision cited by the attorney for the Cherokee Nation in the Morgan and Still cases, (I.T.D. 10716-1904), and (I.T.D. 7658-1904), 13208-1905), are directly on the point as to what weight should be given decisions by the Cherokee courts, and he says that inasmuch as they are at variance with the position taken by the Department in the Starr case, he recommends that the Department's decision of October 15, 1904, in the Houston West case be considered.

The records show that the names of the applicants to which the nation's motion refers are included in a schedule of Cherokee freedmen approved by the Department April 19, 1905, opposite numbers 3866 to 3877 inclusive; that applications for the selections of allotments of land in the Cherokee Nation for all of the parties have been made; that certificates describing the land selected for them, except as to the homestead designated for William West, roll number 3871, have been issued, and that no deeds describing the lands selected for them have been prepared.

The record in the case is inclosed herewith.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

BEM-KKN.

COPY

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

LAND
3189-1907

January 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from W. W. Hastings, attorney for the Cherokee Nation, dated January 8, 1907, with which is enclosed supplemental motion in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen.

The files of this Office show that the record in the case of Houston West, et al., was transmitted to the Department with Office letter of October 29, 1906.

Very respectfully,

C. P. Larrabee.

Acting Commissioner.

ARM-KH

Copy

4485-1907.

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

January 23, 1907.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from W. W. Hastings, attorney for the Cherokee Nation, dated January 12, 1907, with which is enclosed second supplemental motion in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen.

The record in the case of Houston West, et al., was transmitted to the Department with Office letter of October 29, 1906.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EHM-C

DIRECT.

W.H.M. JFJr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 24838-1906.
21812- "
1458-1907.
1660- "

February 12, 1907.

LRS

Commissioner to the Five Civilized Tribes:

Muskogee, Indian Territory.

Sir:

On October 29, 1906, the Indian Office transmitted your report, dated September 28, 1906, forwarding a motion for review and to reject, filed by the attorney for the Cherokee Nation, in the matter of the applications of Houston West, et al., D. 989, George West, et al., D. 990, Callis West, et al., D. 1000, and Callis West, et al., D. 1054, for enrollment as Cherokee freedmen. You recommended that a further hearing be had in these cases.

On December 8, 1906 (Land 103, 300), the Indian Office transmitted your report, dated November 23, 1906, forwarding a motion for review, filed by the attorney for the Cherokee Nation, in the matter of the application of Henry West, et al., children of Callis West, for enrollment as Cherokee freedmen.

On January 21, 1907 (Land 3189), the Indian Office transmitted a communication from the attorney for the Cherokee Nation, forwarding a supplemental motion in the matter of the application for enrollment of Houston West, et al., as Cherokee freedmen.

On January 23, 1907 (Land 4485), the Indian Office also transmitted a communication from the attorney for the Cherokee Nation, forwarding a second supplemental motion in the matter of the application for enrollment of Houston West, et al., as Cherokee freedmen.

In view of Section 2 of the Act of April 26, 1906 (34 Stat., 137), even if a prima facie case for a rehearing was presented, the Department would not be warranted in ordering a rehearing at this late date. All the motions are accordingly denied.

Copies of the Indian Office letters are enclosed. The papers in the cases are returned for the files of the Indian Office, together with a copy hereof.

Respectfully,

Thos Ryan

First Assistant Secretary.

4 enclosures.
18 enclosures to Ind. Of.

A .F. Mc
2-13-07

Cherokee P-1414
1415-1416-1417

COPY

Muskogee, Indian Territory, March 8, 1907.

Gallis West,

Coffeyville, Kansas.

Dear sir:

You are hereby advised that the motion for rehearing of the Cherokee freedman case of yourself and others, was denied by the Secretary of the Interior, February 12, 1907.

Respectfully,

SIGNED *Wams Binky.*
Commissioner.

MH

Cherokee P-1414,
1415, 1416, 1417

COPY

Muskogee, Indian Territory, March 8, 1907.

A. S. McRea,
Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for rehearing of the Cherokee freedman case of Houston West, et al., was denied by the Secretary of the Interior February 12, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

SIGNED *Thomas*
Commissioner.

Enc. M-96

MH

Cherokee F-1414,
1415, 1416, 1417

COPY

Muskogee, Indian Territory, March 8, 1907.

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

Dear sir:

You are hereby advised that the motion for rehearing of the Cherokee freedman case of Houston West, et al., was denied by the Secretary of the Interior February 12, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

Enc. M-97

MH

SIGNED *Tamm*
Commissioner.

Muskogee, Indian Territory, March 14, 1907.

Chief Clerk,
Cherokee Land Office.

Dear Sir:

You are advised that the motion filed to review the following Cherokee freedmen enrollment cases was denied by the Secretary of the Interior February 12, 1907:

Houston West, et al.	Cherokee freedmen 1414
George West, et al.	Cherokee freedmen 1415
Callis West	Cherokee freedman 1416
Callis West	Cherokee freedman 1417

Respectfully,

WSP

Commissioner.

D.C. 28535-1907.

I.T.
47959-1907.

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

GAW

June 5, 1907.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Indian Ter.

Sir:

On May 17, 1907, the Department denied motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application of Houston West, et al, for enrollment as Cherokee freedmen. You are requested to advise the interested parties of the Department's action.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

GAW-GH.

Cherokee P 1416.

Muskogee, Indian Territory, June 11, 1907.

Callis West,

Cottonwood, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental decision of February 12, 1907, in the matter of your application for enrollment as a Cherokee freedman was denied by the Department on May 17, 1907.

Respectfully,

S.W.

Commissioner.

Cherokee F
1414 et al.

Muskogee, Indian Territory, June 11, 1907.

A. S. McRea,
Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental decision of February 12, 1907, in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen was denied by the Department May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl. W-41.
S.W.

Commissioner.

Cherokee F
1414 et al.

Muskogee, Indian Territory, June 11, 1907.

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

Dear Sir:

You are advised that your motion to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl. W-42.
S.W.

Commissioner.

REGISTRY RECEIPT.

Post Office at

Smiths Pt.

Registered

Letter /
Parcel

No. *181*

Rec'd

8-28

1901

of

J. C. Harris
717 Gibson St.

addressed to

Callie West
Cottonwood St.

W. H. Butler

P. M.

Cher Fr 1417

Trans. from Cher Fr D1054

Cher Fr 1417

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 23, 1901.

In the matter of the application of Callis West for enrollment as a Cherokee Freedman.

Callis West, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Callis West.
Q How old are you? A 21, going on 22.
Q What is your postoffice address? A Benge.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q What is your father's name? A Houston West.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Bizzie West.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Annie West.
Q Is your wife living? A Yes, sir.
Q Have you any children? A No, sir.
Q Is your name on the 1880 roll? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A Wallace roll and the Kern Clifton roll.
The 1880 authenticated roll and the 1886 census roll of Cherokee Freedmen examined, and the applicant not identified on either of said rolls.
The Wallace roll examined, and the applicant identified thereon, page 147, No. 3068, Sequoyah district, Callis West.
Q Is your father's name on the roll of 1880? A No, sir.
Q Your father been listed for enrollment? A I think so, he came before you.
Q He is on a doubtful card, is he? A Yes, sir, I guess he is.
Q Is your mother a citizen, a Cherokee Freedman? A She was a claimant but I don't know how about that.
Q You claim citizenship through your father or mother? A Father.
The Kern-Clifton roll examined, and the applicant identified thereon, page 111, No. 2784, Illinois district, as Callis West.
Q Where were you born? A In Sequoyah district they say.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q All your life? A No, sir, not all, I have been in the Choctaw Nation.
Q How long have you lived in the Cherokee Nation since you returned from the Choctaw Nation? A About six years, six or seven.
Q Where did you marry? A Married at Benge.
Q In the Cherokee Nation? A Yes, sir.
Q Your wife a non citizen? A Yes, sir.
Q Have you any testimony to give as to your citizenship other than that that was given in the application of your father? A No, sir.

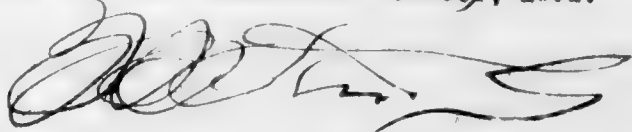
Commissioner: Callis West applies for the enrollment of himself. His name can't be found upon the authenticated roll of 1880 or the census roll of 1886. He is only identified upon the Wallace roll according to page and number of the roll as indicated in the testimony, as well as the Kern-Clifton roll. He avers that he is the son of Houston West, and that he claims citizenship through his father, and that the said Houston West has been duly listed for enrollment on Freedmen Doubtful card No. D989. He makes satisfactory proof as to his residence. The testimony taken in the matter of the application of his father, Houston West, will be made part of the record in the case at bar, and a copy thereof will be filed herewith.

and the said Callis test will be listed for enrollment as a Cherokee Freedman upon a doubtful card to await the further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of October, 1901.



Commissioner.

B

9

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

FILED
SEP 23 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Sept. 23, 1901.

Post Office

Orange

District

Dequoyah

1. Name

H. Callie West

Age 21

Owner's name

Citizenship

Year '94 Page 147 No. 3068 District

Dequoyah.

Parents:

Father

Houston West dead

Citizenship

Colored Fr.

Mother

Lizzie

Citizenship

+

2. Name of wife

Age

Owners name

Citizenship

Year Page No. District

Parents:

Father

Houston West dead

Citizenship

Colored

Mother

Lizzie

Citizenship

Colored.

Names of children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by No. 1. Stenographer Bruce L. Jones

on St. L. Roll No. 2764 as Callie West Ill

X 1/2

File with Cherokee Freedman D-1054, Callis West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Houston West for enrollment
as a Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:

Applicant not present;

W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Attorneys for Cherokee Nation make proof of
service of notice that they will introduce testimony in this
case on September 4, 1901.

W. E. HARNAGE, being duly sworn by Commissioner Haddles, tes-
tified as follows:

Q What is your name? A W. E. Harnage.

Q What is your postoffice? A Tahlequah.

Q What is your age? A About 53.

Q You're a Cherokee citizen by blood? A Yes, sir.

Q I believe you made a statement that you returned here in December
of 1866, after the war? A Yes, sir.

Q To what part of the Cherokee Nation did you come? A Sequoyah
district.

Q How far did you locate from Fort Smith? A Just across the river,
about half a mile from the line.

Q What relation are you to Zeke Harnage? A Half brother.

Q Is he older or younger than you? A He is older.

Q Did you know Walker Mayfield? A Yes, sir.

Q What relation is he to you? A He is my uncle.

Q How long did you continue to remain down there in Sequoyah dis-
trict immediately after you came? A I stayed there in the bottom
until after Christmas, then I went up to Flint.

Q You stayed there until after Christmas of 1866? A Yes, sir.

Q About what date in January? A About the first of January, after
Christmas.

Q How did your uncle Walker Mayfield return after you lived there?
A No, sir.

Q How long did you remain up in Flint? A I stayed up there
till about the middle of April and went back down in the bottom.

Q And when you came back had he returned then? A Yes, sir, he
was there then when I went back to the bottom.

Q That was in April of that year? A '67.

Q But when you left there after Christmas of '66, about January,
he hadn't come? A No, sir, he hadn't come in, we left him in Texas
in the fall of '66.

Q You left him there? A Yes, sir.

Q Had he made a crop there in Texas that year? A Yes, sir.

Q You know what kind of crops, cotton and corn? A Corn and
cotton.

Q Well, how far did he locate from your place and from the place
that you had stayed when you returned there in April of '67?
A About five miles.

Q He was your uncle? A Yes, sir.

Commissioner: He came there after you in April, '67? A I came
back to the bottom in April '67 and he was there when I came.

Q Walker Mayfield's son? A Yes, sir.

Q You know when he came there? A No, sir, he came after I left,
I left the bottom in January, '67, and went up to my uncle's in Flint
and stayed there till April.

Q And he wasn't there when you left? A No, sir, but when I got
back there, he was there.

Q What brings it to your memory that it was in '67? A Because it

was in '66. Then we came there, in the fall, and I stayed there till that Christmas.

Q You are positive of that? A Yes, sir, and after Christmas I went to Flint.

Q Couldn't have Walker Mayfield come to the Cherokee Nation before that date; you don't know when he actually did come, do you?

A No, sir, he wasn't there when I left.

Q He wasn't, you mean, on this place? A No, sir.

Q But you don't know whether he was in any other part of the Cherokee Nation when you left? A No, sir. I don't know whether he was.

Q The first time you saw him was in April, '67? A Yes, sir.

Mr. Hastings: I believe you stated you left him in Texas when you came up here? A Yes, sir, we left him in Texas when we started.

Commissioner: When was that? A In December, in November, '66.

Q He was living there then? A Yes, sir.

Q Did he bring his old slaves with him when he came back?

A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q When did you first see Houston West? A I saw them all together at that time.

Q Was Houston West in Texas when you left there? A Yes, sir.

Q Living on Mayfield's farm? A Yes, sir.

Q They made a crop there? A Yes, sir.

Q What kind of crop? A Cotton and corn.

EZEKIEL HARNAGE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Ezekiel Harnage.

Q What is your postoffice? A Foyil.

Q What is your age? A 59 years old.

Q You are a Cherokee citizen? A Yes, sir.

Q You were in Texas when the war closed, were you? A Yes, sir.

Q Now when did you return to the Cherokee Nation? A I came back on the 16th day of December, 1866.

Q Now to what part of the Cherokee Nation did you come? A Sequoyah District.

Q What relation were you to Walker Mayfield? A He was my second cousin; he was a first cousin of my mother's.

Q You and this other witness are half brothers? A Yes, sir.

Q Different mothers? A Yes, sir.

Q Now you came back, I believe you say, to Sequoyah District?

A Yes, sir.

Q Now you know Walker Mayfield, do you? A Oh yes.

Q Did you see him in Texas? A Yes, I saw him in Texas.

Q How far did you live from him down there, or did he from you?

A About a couple of miles, or hardly that far.

Q Did you leave him, or he leave you there? A I left him there.

Q You moved up in Sequoyah about December 16, 1866?

A Yes, sir.

Q Now what time did Walker Mayfield come to the Cherokee Nation?

A To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867.

Q Did he bring his slaves with him? A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q He had some boys, Houston, Jullis and George? A Yes, sir.

Q Did you continue to reside there in Sequoyah District from December 16 up until the following April, March or April?

A Oh yes, I was there all the while.

Q About how far did Walker Mayfield locate from you when he came? I guess it was four miles and a half, or five.

Commissioner: Did you know Houston West? A Yes, I knew them boys.

Q Did he have a sister named Mary? A I don't remember know anything about the girls.

- Q Well, Houston West was a slave of Walk Mayfield? A Yes.
- Q When did you first see Houston, after the war? A I saw him after the war, after Mayfield came back to the Nation.
- Q With Mayfield's family? A Yes, sir.
- Q Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867? A I am positive of it.
- Q Is he living? A No, he is dead.
- Q His wife living? A No, she is dead.
- Q What fact fixes the date of Mayfield's return in your mind?
- A The fact of the business is, the fact that fixes it in my mind was about going to work to make a crop.
- Q Well, as to the year? A Oh, I know when I moved, and Walk Mayfield come the next spring like.
- Q You know that you came in '66? A I know that, I am positive of the fact.
- Q Where were you living in '66? A In Texas.

D. M. FALKNER, being duly sworn by J. J. Jones, Deedee, testified as follows:

- Q What is your name? A D. M. Falkner.
- Q What is your age, Mr. Falkner? A I am about 60.
- Q What is your postoffice address? A Hanson, Indian Territory.
- Q You a Cherokee by blood? A Yes, sir.
- Q Mr. Falkner, you have been married, I believe, the second time?
- A Yes, sir.
- Q What was your first wife's name? A Her name was Rachel L. Adair.
- Q That was her maiden name? A Yes, sir.
- Q Was she any relation to Walker Mayfield? A Yes, sir, she claimed that Mayfield was her uncle.
- Q Did you know Walk Mayfield yourself? A Yes, sir.
- Q Where were you living in the year of '66 and the spring of '67?
- A I was living in Sequoyah district, Cherokee Nation.
- Q Did you know Walk Mayfield before the war? A Yes, sir.
- Q When did Walk Mayfield return to the Cherokee Nation after the war? A Well, he returned about the first week of April, 1867.
- Q Now Mr. Falkner, tell the commission why you fix that time, all the circumstances? A Well, this young lady that I spoke of --
- Q That you afterwards married? A Yes, she was boarding with my sister, teaching school, and the next year that her uncle had come home from Texas, just from Texas, and I went with her over there, that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in.
- Q Well, how far was it that you had to go? A Four miles, and then I went with her over there, and the reason why I am so positive about it, me and her was married about ten or fifteen days after that; that is, this young lady.
- Q Your first wife? A Yes, my first wife.
- Q Rachel L. Adair? A Yes, sir, and I have got it in the bible at home, my marriage; we were married about a week or fifteen days after he came, and I think it is dated on the 17th of April, or the 27th of April, when me and her were married, and just a few days before that is when me and her went over there.
- Q That is her uncle, Walk Mayfield? A Yes, sir.
- Q You had heard of him coming these four miles here, and you went over there to see him, and they had just come in? A That is what they claimed, they had just come in.
- Q You hadn't heard of him before that? A No, sir.
- Q Did they have some slaves, colored people, with them? A Yes, sir, they had some there, of course I wasn't acquainted with the slaves, but there was an old man named Henry West, and I have known him ever since; they claimed he had brought in his slaves, and that old man was all I seen.
- Q Had they unloaded the wagons when you got there? A There was

a covered wagon standing there at the house when we got there.

Commissioner: What year were you first married, Mr. Falkner?

A: It was in April, '67.

Q: You are positive of that? A: Yes, sir, I have got it in the bible at home.

Q: You didn't know Henry West, a slave? A: No, sir, I didn't know him, they told me them was his darkies, all I know.

Q: You don't know of Walker Mayfield coming into the Territory before that time at some other point? A: No, sir, that is the only time I heard about it, and I lived by him before the war.

Mr. Hastings: Your first wife is dead? A: Yes, sir, she is dead.

Commissioner: Walker Mayfield dead? A: Yes, sir.

Q: His wife dead? A: Yes, sir.

Q: Any of his children living? A: Well, I don't know, no, sir, all dead; he had three boys but they are all dead.

Q: How far is this Walker Mayfield place, when he came to, from the Cherokee line? A: It is about 10 miles and a half, or five; they crossed there at Fort Smith I suppose, to go to that place.

Q: Four or five miles from that place to Fort Smith? A: Yes, sir.

Q: Coming from Texas then that would be the first place they would strike in the Territory? A: Yes, sir.

Q: There is where they all crossed? A: Yes, sir.

Q: Were you down in Texas? A: No, sir, I was at Skulleyville, across the river there, in '65 and '66; '66 I moved over with my sister.

Commissioner: This testimony will be made part of the record in the cases of Callis West, D-1000, and George West, D-990.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Sworn to and subscribed before me this the 10th day of November, 1901.

Bruce C. Jones
Notary Public.

F. D-889.

To be filed with C. F. D. 1054, Callis West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 23, 1902.

In the matter of the application of Houston West for the
the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-889.

APPEARANCES:

A. S. McRae for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision
of the Supreme Court in 1871, as taken from a book from the records
of the Executive Department of the Cherokee Nation entitled, Booklet
of Doubtful Cases for Cherokee Citizenship Tried in 1871, and
from that part of the book headed Doubtful, Roll Sequoyah District,
No. 143, the following:

"Henry West.
Decided against claimant June 15, 1871."

The Cherokee Nation also desires to introduce in evidence a
decision of what is known as the Chambers Court, on June 12, 1867,
as shown from the citizenship record, No. 1, page 9, in the case
of Henry West vs. the Cherokee Nation, the same being signed by
John Chambers, President of the Commission, G. P. Brewer, George
Bowling, Commissioners; countersigned D. L. Nicholson, Clerk of
Commission, as follows:

Henry West) Claim of Citizenship. Before the
"No. 1. vs) Commission on Citizenship, sitting at
Cherokee Nation.) Tahlequah, C. M. June 12th, 1867

This case, comes under that class of cases, of which the
Commission have jurisdiction under act of Dec. 1877, claiming
citizenship under the 9th Article of the Treaty of 1866, in regard
to persons of African descent. His statement alleges that he was
a slave and owned by a citizen of the Nation, and both resident here
at the commencement of the Rebellion. Claimant was afterwards sent
to Texas, by his owner, but returned in time, that is, within six
months after the ratification of the treaty of 1866.

The facts above are proven satisfactorily, except as to the
time of the return to the Nation. This is the turning point in
Henry West's case. The Comm find that the only testimony on that
point, is the statement of Walter Hayfield; who says that he and
claimant returned to the Nation on the 4th day of April, 1867. This
is decisive of the case. Claimant came too late. The Commission
are confined by the Act establishing the Comm to the time mentioned
in the amendments to the Cherokee Constitution, so far as to the
exact time of the ratification of said treaty is concerned, which
places it, on the 19th day of July 1866; and hence claimant's return

in April 1867, is more than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of the Commission, and consequently they decide that said claimant is an intruder, on the Public Domain of the Cherokee Nation.

Attest:

D. L. Nicholson,
Clerk Comm.

John Chambers,
President Commission.
O. P. Brewer)
George Downing,) COMRS."

Attention is called to the fact that at the head of the decision, dated June 12, 18-, that the date is omitted, but the decision on page 8 of the same book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1878, and the case upon the page following this decision, the same being that of Grill Miller vs. the Cherokee Nation, is dated June 12, 1878.

MR. MORAN: To all of which the applicant objects for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in his case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record as cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and subsequently would have no bearing as to the rights and the status of these applicants. It would further appear that these applicants, Houston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and as owned by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, they being claimants in their own rights and status. Mr. Hastings, I'll swear you, without waiving any of the objections.

W. W. Hastings, being first duly sworn, testified as follows:

MR. MORAN: Your name? A W. W. Hastings.
Q Age and postoffice address? A I am 35 years old and postoffice is Tahlequah.
Q Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this Commission appointed? A By an act of the Cherokee National Council, so I am informed and the records show.
Q I will ask you if it is not the law under the Constitution of the Cherokee Nation that in the appointment of these alleged Commissions on citizenship, if when the Commission has exercised its duty as regards the same, that before the same can become a law, either for or against the applicants as appear before these respective Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A Well

I haven't that law before me, but I have no doubt from the legislation that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.

Q Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective Commissions and their cases were submitted to the Council for admission or rejection? A There weren't any so far as I know except-there weren't any submitted to the National Council except, so far as I know, except some in 1871; none of these later Commissions they had full authority to investigate and and admit themselves or reject, and this Commission had authority to admit or reject, and the Council have no supervisory control over it.

Q Then the action of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes, sir.

Q The Chambers Commission? A Yes, sir. Well I was stating my judgment of the law, I wasn't there, you know; never practised before it.

Q How about the Commission of 1871, known as-what's the name of that Commission? A Well, in 1869 an act was passed allowing certain people to go before the Chief Justice of the Supreme Court, and he had hearings up until sometime in 1871, I don't remember the exact date, but under that class of cases, and under that act, my recollection was that it was December 3, 1869, but I wouldn't be positive as to that, but anyhow under that the justice of the Supreme Court heard applications, and referred them to the National Council, but I know of no other authorities that did; don't recall any.

Q Who was the president of the Commission of 1871, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vann; I know he was along about that time, but perhaps I am mistaken. Well, this record here shows that R. B. Daniels was chief Justice in 1871. John S. Vann was along about that time, I don't know how just when he went in or out.

Q Who was the member of the Commission appointed to hear citizens who made application in '71? A This book shows that R. B. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.

Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of Doubtful Cases Fro Cherokee citizenship tried in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that of a day book than that of a regular record kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testifies as follows:

MR. MCRAE: What is your name? A My name?
Q Yes, sir? A Thomas A. Williams.
Q Your age? A I am 61, going on 62.
Q Postoffice address? A Muldrow, Indian Territory, Sequoyah District.
Q Mr. Williams, were you acquainted with Houston West and brothers?
A Yes, sir, I am acquainted with Houston and especially acquainted with Dallas West.

Q How long have you known him? A Well, sir, in 1866 I had a bunch rules, myself and Crosby, and we was keeping them on Camp Creek there right below old man West's, and some time in the early part of the winter perhaps, just before Christmas, two or three or four days, Falk Hayfield brought the family back there, they were chaps.

Q Who was Falk Hayfield? A Falk Hayfield? That was a Cherokee I took him to be.

Q Where was he when you saw him in '66? A I saw them and camped just about—about, when they first came there they came just above where the bridge is.

Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was crossing there with the rules.

Q Now I will ask you, Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in and out of the Cherokee Nation, well, let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it.

I was in the Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a crop, I believe it was in '74, and then in '77 I became an adopted citizen, and I have been here most of the time since.

Q Were you acquainted with the father and mother of these boys?

A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.

Q You are positive that it was some time in the month of December, '66? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.

Q In the Cherokee Nation? A They were in the Cherokee Nation, because I and Crosby was driving a little bunch of mules we had, taking them over.

Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '66? A Yes, sir to the best of my knowledge their family was lived and remained right there.

Q You have had occasion to see them oftentimes since then? A Very often, we were hunting stock there very often.

Q And you say that your knowledge and acquaintance with Callis is of a very intimate nature? A Yes, sir.

Q And character? A Yes, sir, he a truthful, honest, straight, upright man so far as I know.

Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee funds.

MR. HASTINGS: When did you draw money? A I think it was in '79 and maybe '82, the record shows. —Bates Commission found me on the record, and you can find me there very easy.

Q Don't you know that they didn't pay out any money either in '79 or in '82 to anybody in the Cherokee Nation, and the records will show it? A Well, I don't remember the exact year, but it was along there somewhere, I drew in Tahlequah and I drew in Vinita.

Q Do you remember more about when you saw Callis West than you do when you draw money yourself? A I made no minute of that.

Q Well did you make any minute of seeing him? A I made a minute of some cows that he had got in.

Q Some cows? A They made some record, that I remember very well.

Q What's Callis' wife's name? A I don't know both; which, his first wife?

Q Yes, sir. A I don't remember what his first wife's name was.

Q How many children did he have when you first saw him? A Why he didn't have any one.

Q Did he have a wife? A No, sir, warn'r no wife.

Q About how old was he when you first saw him? A I don't know; he was a kid of a boy.

Q Don't have any idea about that? A No, I couldn't think anything about it.

Q With whom were you living when you first saw him? A I was living with myself.

Q Where? A Why I was going from Fort Smith to Jennie Lind and around; we had a bunch of cattle, they were scattered, and we had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas.

Q Who owned them? A He and Jesse Crosby, that fell out of a two-story window in Fort Smith and broke his neck in two.

Q He isn't alive now? A No, sir, he's dead now.

Q Did you know any other Cherokees over there in '66? A Why I think I did. Uncle Billie Wilson.

Q He's dead too? A Yeh, sir.

Q Was he the one in '66? A He was quartered there in '66 I think.

Q Now, Mr. Williams, Walker Mayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 4th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Mayfield swore.

Q Well do you say that isn't true?

MR. MCRAE: You say that Walker Mayfield has testified to that in this case?

MR. HASTINGS: No, I say he has testified and the record shows.

MR. MCRAE: This record?

MR. HASTINGS: Yes, sir.

MR. MCRAE: This judgment just offered here?

MR. HASTINGS: Yes, sir.

Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Mayfield here. Whether he went back into the state and come back again into the Nation I don't know.

Q Mrs. D. H. Faulkner swore in '96 that her uncle, Walker Mayfield, came there about the first of April, '67, and that she was teaching school in that vicinity, and that she went out there to see him.

Do you say now that you put your judgment, and you a stranger, as against those who were blood relatives? A I put my recollection, I am telling just as I remember it; it certainly was just before

Christmas that we drove our rules over, and the family was certainly there; to the best of my recollection it was just before Christmas.

Q D. H. Faulkner, who lives at Hanson, swears that Walker Mayfield, who was his wife's uncle, came back in '67 in April, do you dispute that? A Why I am not disputing; I am telling you the best of my recollection, and I recollect where I first saw Walker Mayfield when I came back from Texas.

Q Did you know him before the war? A I had seen him a few times.

Q Where did he live? A He lived right close to where the railroad runs now.

Q Did you see him there? A Not him in Fort Smith, and I have seen him over in the Nation.

Q In the Nation before the war? A Yeh, sir, I was all through that country before the war.

Q Was Walker Mayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.

Q Did you ever leave the Cherokee Nation before the war? A I had a home, a solid home, in the Cherokee Nation before the war as a matter of fact.

Q Well how were you kept those cattle in the Cherokee Nation in '66? A We bought some cattle in the Cherokee Nation.

Q Well where did you keep them then? A Just bought them and let them run until we come and drove them out.

Q Then they were just scattered on the range? A Scattered all around, they were all over there, and I bought some from a woman by the name of Price.

Q Where did she live? A Somewhere on Call Creek.

Q You have just now been rejected by the Commission as an applicant for citizenship, haven't you? A Yes, sir, I don't care anything about the rejection, I would rather be a white man than a Cherokee so far as my preference is concerned.

Q Well you have got your preference? A I have got it, too. The young clerk here, I like him splendid for giving me my preference.

Q Well you just answer my questions. How you are willing to swear as against some other people that the family came back there just before Christmas, '66? A To the best of my knowledge.

Q Then you are not positive about it? A To the best of my knowledge. That's what the young man qualified me to swear, to the best of my recollection.

MR. McRAE: You have knowledge of years, haven't you? A It seems to me like I ought to have; I was born in '41, and I was a United States soldier, and I ought to have been old enough to have some knowledge of things. I wouldn't story for Callis West to get into the Cherokee Nation.

Q Well you aren't any more likely to be mistaken in your statement than Mr. Mayfield would be in his? A No, sir.

MR. HASTINGS: But Mr. Mayfield testified in '72, only 13 years after that time.

COMMISSION: This testimony will be filed in and made a part of the record in the following freedom cases: D-998, being that of Nancy Starr; D-990, being that of George West et al; D-1090, being that of Callis West; D-1032, being that of Lugenia Harris et al; and D-1054, being that of Callis West, and in the case at bar, D-339, the same being the case of Houston West et al. It appears from the records of the Commission that the above named applicants are all represented by A. S. McRae.

Arthur G. Croninger, being first sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

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

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this the 20th day of Aug., 1902.

B. G. Jones

Notary Public.

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

In the matter of the application of Houston West, et al.,
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of

Houston West, et al.	Cherokee Freedmen	D 989
George West, et al.	"	" 990
Callis West,	"	" 1000
John West	"	" D 1030
Eugenia Harris, et al.	"	" D 1032
Callis West	"	" D 1034.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Houston West for himself and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George jr., Jessie, Albertha and James West as Cherokee Freedmen, and for his wife, Lizzie West, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Lizzie West, as such, will not be passed upon or considered in this decision; by Callis West (son of Henry West), for himself; by John West for himself; by Eugenia Harris for herself and minor child, Janie Harris, and by Callis West (son of Houston West) for himself.

The evidence shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified, in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation; that all the other applicants herein, except Lizzie West, John West, Eugenia Harris, Janie Harris and Callis West (son of Houston West), are descendants of Henry and Phoebe West, or of Houston West, and, having been born since 1866, their rights to enrollment are derived solely through their said ancestors.

The evidence further shows that the said John West, Eugenia Harris and Janie Harris were born since 1866, and are the descendants of Rose West and Millie West; and that they acquired no greater rights, as Cherokee Freedmen, than were possessed by their said ancestors. It does not appear that either Rose West, or Millie West

was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. None of said applicant's names are found on the 1880 authenticated Cherokee roll.

It further appears that the said James West died on June 17, 1902.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stat., 716), provides as follows:

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

It is, therefore, the opinion of this Commission that the applications for the enrollment of Houston West, Ida West, Nancy West, Annie West, Georgie West, William West, George West, George West, Jr., Jessie West, Albertha West, Callie West (son of Henry West), John West, Eugenia Harris, Janie Harris and Callie West (son of Houston West), as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1896 (30 Stats. 496), and it is so ordered; and it is further ordered that the application for the enrollment of James West as a Cherokee Freedman be and the same is hereby dismissed under the provisions of the law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

9(Signed)

_____ Tams Rixby
Chairman.

(Signed)

_____ T. B. Needles
Commissioner.

(Signed)

_____ C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this Aug 5 1904.

MARK 12

Handwritten text, possibly a signature or date, appearing as a faint scribble.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen

D-1054.

Muskogee, Indian Territory, August 16, 1904.

Callis West,

Benge, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Encl. S-66.
Register.

Commissioner in Charge.

Cherokee Freedmen
D-989-990-1000-1030
-1032-1034.

Muskogee, Indian Territory, August 17, 1904.

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

Gentlemen:

There is herewith enclosed a copy of the Commission's decision in the consolidated case of Houston West, et al., rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, Callis, John, Callis, George, George Jr., Jessie and Albertha West, and Tagania and Janie Harris, as Cherokee freedmen, and declining the application for the enrollment of James West, he having died prior to September 1, 1902.

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. S-69.

Commissioner in Charge.

Cherokee Freedmen
D-919-1000-1030-
1032-1054.

Muskogee, Indian Territory, August 17, 1904.

A. S. McRae,
Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 6, 1904, in the consolidated case of Houston West, et al., rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, George, William, Callis, John and Callis West, and Luegala and Jennie Harris as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

J. D. Smith

Encl. S-63.

Register.

Commissioner in Charge.

Cherokee Freedmen

D-979-990-1000-
1030-1072-1084.

Washoe, Indian Territory, August 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Houston West, et al., including the Commission's decision, dated August 2, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Annie, Marie, William, Ellis, John, Willis, George, George Jr., Albert West, and Francis and Jack Harris, as Cherokee freedmen, and also including application for the enrollment of James West, et al., filed prior to September 1, 1902.

Very respectfully,

Encl. 3-70.

Commissioner in Charge.

Yours truly,

Commissioner of Indian Affairs.

Refer in reply
to the following:
Land
57356-1904.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated on August 17, 1904, transmitting the record of the Consolidated applications for enrollment as Cherokee freedmen by Houston West and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West; by Callis West (son of Henry West) for himself; by John West for himself; by Eugenia Harris for herself and her minor child, Janie Harris and by Callis West (son of Houston West) for himself.

August 5, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the beginning of the war of the rebellion that they were taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867; that all the other applicants except John West, Eugenia Harris and Janie Harris were born

since 1866, and are the descendants of Rose West and Millie West, and that they acquired no greater rights than were possessed by their ancestors. It does not appear that either Rose or Millie West were the slaves of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

A.C. Tonner

Acting Commissioner

P. M. W.

D. C. 39949-1904
I.T.D. 7604-1904

(C O P Y)

W. C. F.
J. P.
F. H. E.
L. R. S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 15, 1904.

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

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Houston West et al.

It appears that applications were made for the enrollment as Cherokee freedmen of Houston West and his minor children, Ida, Nancy, Pannie, Georgie, and William West; of George West and his minor children, George Jr., Jessie, Albertha and James West, and his wife, Lizzie West; of Callis West (son of Henry West); of John West; of Eugenia Harris and her minor child, Janie Harris; and of Callis West (son of Houston West). The application for the enrollment of the applicant Lizzie West as a Cherokee freedman by intermarriage was not passed upon by you, and is therefore not included in this decision.

It appears that the applicant James West died June 17, 1902. On August 5, 1904, you dismissed the application for the enrollment of James West, and decided that all the other applicants herein are not entitled to enrollment.

Reporting September 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved, and on September 21, 1904, he forwarded a petition, in behalf

of the applicants, praying for the reopening of the case.

It appears that Houston West, George West and Callis West are brothers of Nancy Starr; that their father was Henry West: that Houston West and Callis West were born prior to 1866; that they were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and returned with Nancy Starr. The applicant George West appears to have been born after the return of Henry West to the Cherokee Nation.

In the case of Nancy Starr the testimony in the case of Houston West was made a part of the record, and on September 17, 1904, the Department held that the evidence submitted concerning the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned prior to February 11, 1867.

It appears that the applicants John West and Eugenia Harris were born subsequent to 1866, and are son and daughter of Bice West, a brother of the applicant Houston West. The evidence shows that Bice West did not return to the Cherokee Nation prior to February 11, 1867.

Your decision, in so far as it affects said John West, Lougenia Harris and Janie Harris, is therefore approved. Your decision in so far as it affects Houston West, Ida West, Nancy West, Pannie West, Georgie West, William West, George

West, George West Jr., Jessie West, Albertha West, Callis West
(son of Henry West), and Callis West (son of Houston West),
is reversed, and you are directed to enroll said applicants as
Cherokee freedmen.

A copy of the Acting Commissioner's letter is
inclosed.

Respectfully

1 inclosure

Thos Ryan
Acting Secretary

Cherokee Freedmen
D-989-990-1000-1054

Muskogee, Indian Territory November 2, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, Lizzie, George Jr., Jessie, Albertha, Callis, (son of Henry West), and Callis (son of Houston West), as Cherokee freedmen, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Chairman.

Cherokee Freedmen:
D-1054

Muskogee, Indian Territory, November 2, 1904.

Callis West,

Henge, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 3, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll you as a Cherokee freedman.

Respectfully,

Chairman.

Cherokee Freedmen
D-989, D-1000, D-1054

Muskogee, Indian Territory, November 2, 1904.

A. S. McKee,

Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting, among others, the applications for the enrollment of Houston West and his minor children, Callis West (son of Houston West), and Callis West (son of Henry West), as Cherokee freedmen, was reversed by the Secretary of the Interior on October 13, 1904, and the Commission ordered to enroll all the applicants as Cherokee freedmen.

Respectfully,

Chairman.

Cherokee Freedmen
D-989-990-1000-1054

Muskogee, Indian Territory, November 2, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated August 3, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, Lizzie, George Jr., Jessie, Albertha, Callis, (son of Henry West), and Callis (son of Houston West), as Cherokee freedmen, was reversed by the Secretary of the Interior on October 1, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Chairman.

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

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233	-----	Mary Harris, et al.,
F-1234	-----	Joseph Curry,
F-1235	-----	Ostella Martin, et al.,
F-1236	-----	Harrison Curry,
F-1281	-----	Eliza Gaines,
F-1282	-----	Jane Webb,
F-1283	-----	Mary Mabry, et al.,
F-1284	-----	Berry Thompson, et al.,
F-1285	-----	Julia Nash,
F-1286	-----	Georgia Jones, et al.,
F-1287	-----	John H. Nash, et al.,
F-1288	-----	Malinda Johnson, et al.,
F-1289	-----	Martha Grooms, et al.,
F-1290	-----	Berry Nash,
F-1291	-----	Edward Nash,
F-1292	-----	Carrie Harris, et al.,
F-1293	-----	Ella Humes,
F-1296	-----	Michael Martin,
F-1296	-----	George Martin, et al.,
F-1297	-----	Joshua Martin,
F-1298	-----	Edward Brown, et al.,
F-1299	-----	Israel Martin, et al.,
F-1300	-----	Nellie Brown, et al.,
F-1301	-----	Harriett Tucker, et al.,
F-1302	-----	Mydia Carter,
F-1303	-----	Allie McCarty, et al.,

F-1304-----Robert Harper,
F--389-----Mary Robbins, et al.,
F-1414-----Houston West, et al.,
F-1415-----George West, et al.,
F-1416-----Callis West,
F-1417-----Callis West,
F-1494-----Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	Mary Harris,
3440	Irene Harris,
3441	Olive Harris,
3442	Rheta Harris,
3443	Joseph Curry,
3444	Ostella Martin,
3445	Ira Martin,
3446	Cecil Martin,
3447	Roy Martin,
3448	Myrrh E. Martin,
3449	Harrison Curry,
3530	Klisa Gaines,
3531	Jane Webb,
3532	Mary Mabry,
3533	Frank Mabry,
3534	Berry Thompson,
3535	Elver Thompson,
3536	Lee Thompson,
3537	Harrison Thompson,
3538	Julia Nash,
3539	Georgia Jones,
3540	John H. Jones,

Roll No.	Name.
3541	Ellen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralia Jones,
3548	John W. Nash,
3549	Allie Nash,
3550	Jesse W. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter V. Grooms,
3566	Leuretha Grooms,
3567	Perry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Dolliah Harris,
3571	Silla Pumes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Laura Brown,
3585	Israel Martin,

Roll No.	Name.
3585	Essie Martin,
3587	Agnes Martin,
3588	Louis Martin,
3589	Nancy Martin,
3590	Lottie Martin,
3591	Hellie Brown,
3592	Roxie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	Williams Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clean Martin,
3599	Anna Dean,
3600	Henrietta Dean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Marah M. Tucker,
3604	Lydia Carter,
3605	Allie McAlroy,
3606	Etta Taylor,
3607	Robert Harper,
3608	Edie Robbins,
3609	Hollis Loggins,
3610	Cherian Jones,
3661	Houston West,
3667	Ida West,
3668	Nancy West,
3669	Edna West,
3670	Geoffie West,
3671	William West,
3672	George West,
3673	George West, Jr.,
3674	Jessie West,
3675	Albathia West,
3676	Callie West,
3677	Callie West,
4079	Henry West,
4080	Callie West, Jr.,
4081	Cornelius West,
4082	Charlene West,
4083	Carrie West,
4084	Lilla West,
4085	Wattie West,
4086	Walter West,
4087	Sadie West,

Roll No.	Name.
4088 -----	Martha West,
4089 -----	Vinita West.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, September 28, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion made by the attorney for the Cherokee Nation to review the Cherokee freedmen cases of Houston West et al., D 989, George West et al. D 990, Callis West. D 1000, and Callis West. D 1034. This motion was filed with this office June 25, 1906. There is also transmitted herewith the reply to said motion made by the attorney for applicants.

These applications were included in the Cherokee Freedmen consolidated case of Houston West et al., D 989 et al., in which the Commission to the Five Civilized Tribes, on August 5, 1904, rendered its decision rejecting, among others, the applications for the enrollment of Houston, Ida, James, Fannie, Georgie, William, George, George Jr., Jessie, Albertha, Callis (son of Henry West), and Callis West (son of Houston West). The decision of the Commission

Secretary-2

adverse to said applicants was reversed by the Secretary of the Interior, October 15, 1904 (I.T.D. 7604-1904) and said applicants ordered enrolled as Cherokee freedmen.

The Nation asks for a review of the department's decision as to the above named applicants, and that they be rejected for the reason that Henry West, father of the principal applicants, Houston, George, and Callis West, and grandfather of all the other applicants, was denied citizenship in the Cherokee Nation by the Supreme Court of said Nation on June 15, 1871; that on June 12, 1878, said Henry West, having applied to the Chambers Court for Cherokee citizenship, was denied by said Court, and that, under the rulings of the Department in the Cherokee freedman cases of John Morgan, rendered March 5, 1906 (I.T.D. 10716-1906), and Harry Still, rendered October 5, 1905 (I.T.D. 7658-1904, 13206-1905), the applicants are not entitled to enrollment as Cherokee Freedmen.

The Department in its decision of October 15, 1904, found that Houston, George and Callis West, are brothers of Nancy Starr; that their father was Henry West;

Secretary-3

that Houston and Callie West were born prior to 1866 and were slaves of a Cherokee citizen at the beginning of the war; that they were taken out of the Cherokee Nation during said war, and that they returned to the Cherokee Nation with Nancy Starr. The Department, on September 17, 1904 (I.T.D. 4943-1904) held that the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned thereto prior to February 11, 1867; the decision of the Commission to the Five Civilized Tribes dated July 1, 1903, holding that, among others, Nancy Starr was not entitled to enrollment as a Cherokee freedman, was reversed by the Department.

The record of proceedings had in the case of Nancy Starr, et al., and also in the case of Houston West, et al., shows the proceedings had before the Supreme Court of the Cherokee Nation and the Chambers Court, and the Department, referring to said proceedings, in the Starr case held:

"The Department does not consider that the decision of the courts above referred to in the case of Henry West are binding upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show

Secretary-4

that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867."

The Departmental decisions cited by the Attorney for the Cherokee Nation in the Morgan and Still cases (I. T. B. 10716 and I. T. B. 7653-1904, 14208-1906, respectively), are directly upon the point as to what weight should be given decisions by the Cherokee courts, and inasmuch as they are at variance with the position taken by the Department in the Starr case, it is respectfully recommended that the Department's decision of October 15, 1904, in the Houston West case, be reconsidered. See also Departmental decision of September 7, 1906 (I. T. B. 15372-1906), in the Cherokee freedman case of Amos Adair et al.

The record shows that the Indian Office, on September 21, 1904, transmitted to the Department a petition in behalf of applicants for a rehearing of their case, and this office considers that before any action adverse to

Secretary-5

the applicants is taken, they should be given a further opportunity to be heard.

The records of this office show that the names of the applicants to whom the Nation's motion refers, are included in a schedule of Cherokee freedmen approved by the Department April 19, 1906, opposite Nos. 3666 to 3677, inclusive; that applications for the selections of allotments of land in the Cherokee Nation for all of said parties have been made; that certificates describing the land selected for them, except as to the homestead designated for William West, Roll No. 3677, have been issued, and that no deeds describing land selected for them have been prepared. In this connection reference is made to Departmental decision of July 18, 1906 (I.T.D. 9862-1906, 7502-1906), in the Cherokee freedman case of James Rogers.

Immediately upon receipt of the Nation's motion for a review in the West case the United States Indian Agent, Union Agency, Muskogee, Indian Territory, was advised thereof.

Respectfully,

Through the
Commissioner of Indian Affairs.

L M B

Encl. B-79

g-51261000
Commissioner

Copy.

Land
100307-1905
49765-1906
86139-1906

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

October 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter from Commissioner Bixby, dated September 28, 1906, with which is enclosed a motion made by the attorney for the Cherokee Nation to review the Cherokee freedmen cases of Houston West et al., D 989, George West, et al. D 990, Callis West D 1000, and Callis West, D 1054. This motion was filed with the office of the commissioner to the Five Civilized Tribes June 25, 1906. There is also transmitted the reply to that motion made by the attorney for the applicants.

Commissioner Bixby reports that these applications were included in the Cherokee freedmen consolidated case of Houston West et al., D 989, in which the Commission to the Five Civilized Tribes on August 5, 1904, rendered its decision rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, George, Jr., Jessie, Albertha, Callis, (son of Henry West), and Callis West, (son of Houston West.)

The decision of the Commission adverse to the applicants was reversed by the Department October 15, 1904, (I.T.D. 7604-1904),

and the applicants ordered enrolled as Cherokee freedmen. The Cherokee Nation, through its attorney, asks for a review of the Department's decision as to the above named applicants, and that they be rejected for the reason that Henry West, father of the principal applicants Houston, George and Callis West, and grandfather of all the other applicants, was denied citizenship in the Cherokee Nation by the supreme Court of that nation on June 15, 1871; that on June 12, 1878, Henry West having applied to the Chambers Court for Cherokee citizenship, was denied by that court, and that under the rulings of the Department in the Cherokee freedmen cases of John Morgan, rendered March 5, 1905, (I.T.D. 10716-1905), and Harry Still, rendered October 5, 1905, (I.T.D. 7658-1904, 13208-1905), the applicants were not entitled to enrollment as Cherokee freedmen.

The Department in its decision of October 15, 1904, found that Houston, George and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston and Callis West were born prior to 1866 and were slaves of a Cherokee citizen at the beginning of the War of the Rebellion; that they were taken out of the Cherokee Nation during the war, and that they returned to the Cherokee Nation with Nancy Starr.

The Department on September 17, 1904, (I.T.D. 6943-1904) held that the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned thereto prior to February 11, 1867, and the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, holding that, among

others, Nancy Starr was not entitled to enrollment as a Cherokee freedman was reversed by the Department.

Commissioner Bixby reports that the Departmental decision cited by the attorney for the Cherokee Nation in the Morgan and Still cases, (I.T.D. 10716-1904), and (I.T.D. 7658-1904), 13208-1905), are directly on the point as to what weight should be given decisions by the Cherokee courts, and he says that inasmuch as they are at variance with the position taken by the Department in the Starr case, he recommends that the Department's decision of October 15, 1904, in the Houston West case be considered.

The records show that the names of the applicants to which the nation's motion refers are included in a schedule of Cherokee freedmen approved by the Department April 19, 1905, opposite numbers 3866 to 3877 inclusive; that applications for the selections of allotments of land in the Cherokee Nation for all of the parties have been made; that certificates describing the land selected for them, except as to the homestead designated for William West, roll number 3871, have been issued, and that no deeds describing the lands selected for them have been prepared.

The record in the case is inclosed herewith.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

EEV-KEN.

Copy

DEPARTMENT OF THE INTERIOR,

LAND:

OFFICE OF INDIAN AFFAIRS.

103300-1906.

WASHINGTON.

December 8, 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 November 23, 1906, enclosing a motion by the attorney for the Cherokee Nation, filed in his office June 25, 1906, asking for a review of the Cherokee freedmen case of Henry West et al., children of Callie West.

The record in the case of Callie West was transmitted to you in Office letter of October 29, 1906, (Land: 100307-1905, 49765-1906, 86139-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EVL-KH

COPY

LAND
3189-1907

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

January 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from W. W. Hastings, attorney for the Cherokee Nation, dated January 8, 1907, with which is enclosed supplemental motion in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen.

The files of this Office show that the record in the case of Houston West, et al., was transmitted to the Department with Office letter of October 29, 1906.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

APM-EH

Copy

4485-1907.

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

January 23, 1907.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from W. W. Hastings, attorney for the Cherokee Nation, dated January 12, 1907, with which is enclosed second supplemental motion in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen.

The record in the case of Houston West, et al., was transmitted to the Department with Office letter of October 29, 1906.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KHM-C

DIRECT.

W.H.M. JFJr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 24838-1906.
21813- "
1458-1907.
1660- "

February 12, 1907.

LRS

Commissioner to the Five Civilized Tribes.

Muskegee, Indian Territory.

Sir:

On October 29, 1906, the Indian Office transmitted your report, dated September 28, 1906, forwarding a motion for review and to reject, filed by the attorney for the Cherokee Nation, in the matter of the applications of Houston West, et al., D. 989, George West, et al., D. 990, Callis West, et al., D. 1000, and Callis West, et al., D. 1054, for enrollment as Cherokee freedmen. You recommended that a further hearing be had in these cases.

On December 8, 1906 (Land 103, 300), the Indian Office transmitted your report, dated November 23, 1906, forwarding a motion for review, filed by the attorney for the Cherokee Nation, in the matter of the application of Henry West, et al., children of Callis West, for enrollment as Cherokee freedmen.

On January 21, 1907 (Land 3189), the Indian Office transmitted a communication from the attorney for the Cherokee Nation, forwarding a supplemental motion in the matter of the application for enrollment of Houston West, et al., as Cherokee freedmen.

On January 23, 1907 (Land 4485), the Indian Office also transmitted a communication from the attorney for the Cherokee Nation, forwarding a second supplemental motion in the matter of the application for enrollment of Houston West, et al., as Cherokee freedmen.

In view of Section 2 of the Act of April 26, 1906 (34 Stat., 137), even if a prima facie case for a rehearing was presented, the Department would not be warranted in ordering a rehearing at this late date. All the motions are accordingly denied.

Copies of the Indian Office letters are enclosed. The papers in the cases are returned for the files of the Indian Office, together with a copy hereof.

Respectfully,

Thos Ryan

First Assistant Secretary.

4 enclosures.
18 enclosures to Ind. Of.

A .F. Mc
2-13-07

Cherokee 7-1414,
1415, 1416, 1417

Copy

Waxahatchee, Indian Territory, March 8, 1907.

Callis West,

Cottonwood, Indian Territory.

Dear sir:

You are hereby advised that the motion for rehearing of the Cherokee freedman case of yourself and others, was denied by the Secretary of the Interior February 12, 1907.

Respectfully,

SIGNED *Tams S. S. S.*
Commissioner.

MH

Muskogee, Indian Territory, March 14, 1907.

Chief Clerk,
Cherokee Land Office.

Dear Sir:

You are advised that the motion filed to review the following Cherokee freedmen enrollment cases was denied by the Secretary of the Interior February 12, 1907:

Houston West, et al.	Cherokee freedmen 1414
George West, et al.	Cherokee freedmen 1415
Callis West	Cherokee freedman 1416
Callis West	Cherokee freedman 1417

Respectfully,

WMP

Commissioner.

D.C.28535-1907.

I.T.
47959-1907.

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

GAW

June 5, 1907.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

On May 17, 1907, the Department denied motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application of Houston West, et al, for enrollment as Cherokee freedmen. You are requested to advise the interested parties of the Department's action.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

GAW-GH.

Cherokee F 1417.

Muskogee, Indian Territory, June 11, 1907.

Callis West,

Benge, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application for your enrollment as a Cherokee freedman was denied by the Department on May 17, 1907.

Respectfully,

S.W.

Commissioner.

Cherokee F
1414 et al.

Muskogee, Indian Territory, June 11, 1907.

A. S. McRae,
Attorney for Houston West, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental decision of February 12, 1907, in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen was denied by the Department May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl.W-41.
S.W.

Commissioner.

Cherokee F
1414 et al.

Muskogee, Indian Territory, June 11, 1907.

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

Dear Sir:

You are advised that your motion to reconsider, review and reverse Departmental action of February 12, 1907, in the matter of the application for the enrollment of Houston West, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl. W-42.
S.W.

Commissioner.

Cher Fr 1418

Trans. from Cher Fr D758

Cher Fr 1418

Department of the Interior
Commission to the Five Civilized Tribes.
Nowata, I. T., June 16, 1901.

In the matter of the application of George Washington Lane for the enrollment of himself as an intermarried Cherokee Freedman and for one son as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A George Washington Lane.
Q How old are you? A 48.
Q What is your post-office address? A Elliott, Indian Territory.
Q What district do you live in? A Gcoveescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Adopted citizen.
Q Are you married? A Yes sir.
Q What is your wife's name? A Susan B.
Q How old is she? A Thirty.
Q Is she a Cherokee Freedman? A Yes sir.
Q Recognized by the Cherokee authorities? A Yes sir.
Q Is her name on the authenticated roll of 1880? A Yes sir.
Q Has she been listed for enrollment? A Yes sir, she is enrolled.
Q What was her father's name? A Andy Fry.
Q Is he living? A Yes sir.
Q What's her mother's name? A Millie Fry.
Q Is she living? A Yes sir.
Q Is Susan Fry your first wife? A No sir, second wife.
Q Was your first wife living when you married Susan? A Yes sir.
Q Were you divorced from her? A Yes sir.
Q Have you any certificate of divorce? A Yes sir. (Produces papers)
Q Are you Susan B.'s first husband? A No sir.
Q Was she ever married before? I don't know, I don't think she was ever lawfully married before.
Q You are what is known as a non-citizen? A Yes sir.
Q State man? A Yes sir.
Q Where were you married? A To my present wife?
Q No, to Susan Fry? A In Vinita.
Q Was your first wife a citizen of the Cherokee Nation? A Yes sir.
Q What is your first wife's name? A Florence Vann.
Q You say you were divorced from your first wife? A Yes sir.

Cont: The applicant presents a certificate signed by D. W. Alberty, under the seal of the Cherokee Nation, certifying that marriage license was issued to George W. Lane, a citizen of the United States, to marry Florence Vann, and said George W. Lane was married to said Florence Vann on the 23rd day of June, 1875; applicant also presents certificate certifying that the following: "George W. Lane, vs Florence Lane, dismissed on plaintiff's costs; this judgment rendered by default 11th of March, 1880. Arch McCox. (Clerk as appeared to name in its record.)"

Said Alberty as Executive Secretary of the Cherokee Nation certifying that the foregoing is a copy of the record of the docket of the Circuit Court, Gcoveescoowee District, May Term, 1885; said certificate of marriage and said certificate just described, are filed herewith. Applicant also presents a certificate of marriage certifying that he was married to Susan Fry on the 27th day of April, 1890.

Q Is your name on any of the rolls of the Cherokee Nation? A I guess not.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's wife found on page 259 #1079 Susan Frye, Delaware Dist, native colored.

Q What was your first wife's father's name? A Lon Vann.

Q Is he living? A No sir.

Q What was her mother's name? A Flora Murrell.

1880 authenticated roll of citizens of the Cherokee Nation examined for Florence Vann, and Florence Lane and not found.

Q Was your first wife ever married before she married you? A No sir.

Q Have you got any proof of the citizenship of your first wife? A Her mother, Flora Murrell.

Q As I understand, you were first married to Florence Vann? A Yes sir.

Q And she was a daughter of Flora Murrell? A Yes sir.

Q Was Lon Vann, her father, a citizen? A Supposed to be, he is dead. I never saw him but once.

Q You claim your wife's citizenship through her mother, Flora Murrell, then, do you? A Yes sir.

Q And you claim that you are divorced from Florence Vann? A Yes sir.

Q And that since you were divorced you have married Susan Fry? A Yes sir.

Q And you married Susan Fry, you never had any Cherokee license? A No sir.

Q Merely a certificate of marriage? A Yes sir.

Q Why didn't you get a license? A The clerk informed me that it wasn't necessary, already a citizen, I had taken the oath and complied with the law.

Q How long have you lived in the Cherokee Nation? A I have been here ever since '26.

Q Living here now? A Living here now, yes sir.

Q Have you any children? A One living.

Q Is that by your present wife? A By my first wife.

Q Has that child been enrolled? A No sir.

Q You say that Florence Vann was your first wife? A Yes sir.

Q Was Florence Vann ever married before she married you? A No sir.

Q You are her first husband? A Yes sir.

Q Was your present wife, Susan Lane, ever married before she married you? A No sir.

Q You had never been married before you married Florence Vann? A No sir.

Q Florence Vann living? A No sir.

Com'r Needles: The applicant applies to be enrolled as a Cherokee Freedman by intermarriage; he avers that he was originally married to one Florence Vann, and Florence Vann he avers is a child of Flora Murrell, and he claims citizenship by intermarriage through the citizenship of his wife Florence Vann; his wife Florence Vann is now deceased; the mother of said Florence Vann he claims to be Flora Murrell, and said Flora Murrell is duly listed for enrollment on Cherokee Freedman doubtful card 548, and the testimony taken in said application of Flora Murrell will be made a part of the testimony in the case at bar, and a copy thereof will be filed herewith; he avers that he was divorced from said Florence Vann, and presents what deems proof of said divorce, which is filed

herewith; he avers that since said divorce he was married to one Susan P. Fry, and makes satisfactory proof of said marriage; his marriage to said Susan P. Fry, is identified by a certificate of marriage that he files, and he avers that he procured no license to marry his present wife, because of the fact that his former wife was a Cherokee citizen, and that he at that time was an intermarried citizen, consequently, he deemed it unnecessary to procure a marriage license, as provided by the Cherokee law, the name of his wife, Susan P. Lane, is found upon the authenticated roll of 1880 and she is duly identified as a Cherokee Freedman; the applicant makes satisfactory proof as to his residence; said George W. Lane will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and attention is called to the fact of the insufficiency of the testimony as to the divorce and also to the further fact that his second marriage no license was procured, as provided by the laws of the Cherokee Nation.

- Com'r: Applicant also applies for the enrollment of his child.
- Q What is your child's name? A James A. Garfield Lane.
- Q How old is he? A 20.
- Q What is his post-office? A A Leadville, Colorado I think, he is out in Colorado.
- Q Does he reside now at Leadville, Colorado? A Yes sir.
- Q How long has he been residing there? A He has been there a year.
- Q Is he married? A No sir, he is out therefor his health.
- Q Where was he born? A In the Cherokee Nation.
- Q Raised in the Cherokee Nation? A Yes sir, I sent him out there to Colorado for his health, he is kind of consumptive, - about a year ago.
- Q What is his mother's name? A Florence Vann.
- Q Is his name on any of the rolls of the Cherokee Nation? A On the Wallace and Clifton.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
Page 125 #3109 Garfield lane, (No District).
Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
Page 123 #2598 James A. G. Lane, nine years old, Cooweescoowaa.

BY MR. HASTINGS:

- Q How old would Garfield's mother be if she were living now?
A She would be about 36 I think, somewhere along there.

Com'r. Needles: The applicant applies for the enrollment of James A. G. Lane, his son, 20 years of age; his name cannot be found upon the authenticated roll of 1880, but he is fully identified upon the Kern-Clifton and Wallace rolls; he avers that James A. G. Lane is his child by his former wife, Florence Vann, who was a daughter of Flora Murrell; satisfactory proof is made as to his residence, and said James A. G. Lane will be listed for enrollment as a Cherokee Freedman upon a doubtful card; reference is made to the testimony in the case of the application of his father.

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 June 26, 1901.

T. R. NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, hereby certifies, that the above and foregoing is a true and correct copy of the testimony of George Washington Lane, taken at Nowata, Indian Territory, on the 18th day of June, 1901, now on file with the Commission.

Josie Davies

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

M. Campbell

Notary Public.

(COPY)

File with Cherokee Freedmen D-548, Nelson Murrell.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., October 19, 1901.

In the matter of the application of Nelson Murrell et al.
for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name. A R. M. Allen.

Q Where do you live doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your postoffice? A Coody's Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation?

A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage

Q To a Cherokee? A To a Delaware.

Q Now did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware

Q Where was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to build this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel R. Hicks, and we went right up the Verdigris Valley

Q On what side? A East side, and I crossed Snow Creek right

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him?

A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

MR. SMITH: What did you say your name was? A Allen

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to build that town called Parkersburg.

Q Did they build it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along down there.

Q Did they have any plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh it is 25 or 6 miles.

Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started in the fall of 1869 from Journeycake's, did you?

A Yes, sir

Q Where did you? A I started from home.

- Q Where did you live? A I lived up at Coody's Bluff.
- Q How far was that from Journeyoake's? A About four miles
- Q In what direction from Journeyoake's? A North.
- Q Then you started from four miles north of Journeyoake's in the fall of '69 to go to Parkersburg? A Yes, sir
- Q How did you travel? A I went horseback
- Q And was there a road to travel? A No, there was no road.
- Q Wasn't any road? A No, I didn't follow any road.
- Q Then did you cross Snow Creek? A Yes, sir I crossed it.
- Q Once or more than once? A I only crossed it once going up.
- Q And once coming back? A Yes, sir
- Q Where did you cross it ? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
- Q Well how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
- Q Well, it is not the same distance from the Kansas line all the way along is it? A I don't know, I never followed up the Creek.
- Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
- Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
- Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek;
- Q And crossed the creek? A Yes, sir
- Q You didn't have to follow the Creek? A No, I didn't ~~have~~ follow the Creek.
- Q You just simply crossed Snow Creek in 1869? A Yes, sir.
- Q Well now then you are not prepared to say that this applicant Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
- Q But you say you only touched Snow Creek at one point? A That is all.
- Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
- Q Up or down the Creek? A No, sir.
- Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
- A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me then days I could have seen it.
- Q Under favorable conditions you could have seen it? A Yes, sir
- Q That is all you know about this matter is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

- MR. Davenport: What is your name? A Simon Love.
- Q Where do you live? A Claremore
- Q How long have you lived in the Cherokee Nation? A Ever since '68
- Q Are you a Cherokee or a Delaware Indian? A Delaware
- Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
- Q What was your father's name? A My stepfather's name was Buffalo
- Q Well, did he have any English name? A Little Buffalo they called him.
- Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
- Q What was yours stepfather's name? A Little Buffalo.
- Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about fifteen miles from Coffeyville Kansas.

- Q On what side of the Verdigris River did you locate? A The east side.
- Q How far from what is known as Snow Creek? A Six or seven miles I should judge.
- Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties then.
- Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.
- Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.
- Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.
- Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '68 he built our house.
- Q Do you know the applicant in this case, Nelson Murrell? A Yes sir.
- Q Well, how long have you known him? A I just can't tell how long. Do you know where he lives now? A Yes, sir.
- Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.
- Q Where does the applicant live with reference to that? A Right north of it.
- Q About how far? A I can't tell you how far.
- Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.
- Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.
- Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.
- Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.
- Q Where were they living? A Living on Snow Creek.
- Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.
- Q When did they come in there and locate, if you know? A I don't know when they came in.
- Q Well, how long have you known that family? A Well I have known them quite a while.
- Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.
- Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.
- Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.
- Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really.
- Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.
- Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.

- MR. SMITH: Mr. Love, you and your family were among the first Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.
- Q And you have lived in the Cherokee Nation ever since? A Yes, sir.
- Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.
- Q Well now at what place did you locate when you first came here, your family? Right near the mouth of Cedar Creek.
- Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.
- Q What direction? A South.
- Q Into what stream did Cedar Creek empty? The Verdigris.
- Q Into what stream did Snow Creek empty? A The Verdigris.
- Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.
- Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.
- Q The way the road ran how far was it? A I should judge about that, the road ran pretty straight through.
- Q Well, did you have a house to live in when you first came there? A No, sir.
- Q What season of the year did you come to the Nation? A February.
- Q When did you get a house? A Got a house the next fall; that is, a man built our house.
- Q How old were you when you came here? A I was about 15.
- Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.
- Q Now you know this old man Nelson Murrell? A Yes, sir.
- Q And you have known him a long time? A Quite a while, I can't remember just what time.
- Q A great many years? A I can't remember how long.
- Q Been so long you can't remember when you first did know him? A Been fifteen or twenty years.
- Q Been longer than that hasn't it? A I don't think it has.
- Q How long has it been since you first came down here? A I came here in '68.
- Q Well, how many years? 33 years.
- Q Well now, about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.
- Q How many years was that after you came down to the Cherokee Nation; that you went to Connor's? A About '71.
- Q About that? A Yes, sir.
- Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.
- Q You were still a boy when you did leave? A Yes, sir.
- Q Now you didn't go while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.
- Q You know how long Snow Creek is? A No, sir.
- Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.
- Q You don't know; you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the road where I crossed Snow Creek.
- Q Now where would you be going when you would cross it? A Well, up into Kansas.
- Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.
- Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.
- Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.

- Q Then you were about a mile from the Verdigris? A Yes sir
- Q And about a mile from the place where Cedar creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
- Q When you had to go to Kansas what direction did you travel?
- A North.
- Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.
- Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.
- Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
- A Well I went after that carpenter that built the house.
- Q I mean outside of the carpenter and Clymore? A No, sir.
- Q So when you went to Clymore you crossed Snow Creek? A Yes, sir
- Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Luman Reed Crossing.
- Q How do you know how far that is from the mouth of Snow Creek?
- A I should judge about a mile and a half or two miles.
- Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
- Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
- Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
- Q You can't swear he didn't live there? A No, I can't
- Q You can't swear there wasn't a house there? A I don't think there was a house there.
- Q Except at the place you crossed? A There wasn't any houses there.
- Q How about a mile up the creek or a mile down the creek? A
- A That I can't tell.
- Q You don't know, do you? A No, I don't think there was any houses.
- Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

- MR. Davenport: What is your name? A John Secondine.
- Q Where do you live? A Up at White Oak
- Q That your postoffice? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68
- Q What is your nationality, are you a Cherokee or Delaware?
- A I am a Delaware
- Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.
- Q Well, what year was that in? A When I first came here, that was in '67, in August.
- Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.
- Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.
- Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.
- Q How long did you stay there? A Well, we stayed there as much as a week or ten days somewhere along there.

- Q Was there any houses around there? A No sir.
- Q Well, were you up and down the creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.
- Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.
- Q Were you down the Creek to where it empties into the Verdigris?
- A Yes, sir
- Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there
- Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.
- Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.
- Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.
- MR. SMITH : You live out here close to Vinita now? A Yes, sir, I live at White Oak.
- Q About how long have you been living there? A I have been living there 16 years I believe.
- Q You related in any way to Journeycake? A Yes, sir.
- Q What relation? A Second cousin I believe.
- Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake's? A I lived six miles above, north.
- Q Six miles north of Journeycake's? A Yes, sir.
- Q How far from the Kansas line? A That is about twenty miles, somewhere along there I guess.
- Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.
- Q How far did you live from the Verdigris river? A Lived about three quarters of a mile.
- Q What direction, west or north? A East
- Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.
- Q Twenty miles from the mouth of Snow Creek? A Yes, sir
- Q Is, you know a family in there by the name of Love? A Yes, sir
- Q Where did they live? A They lived up there below Gooseneck Bend, what they call now.
- Q Up close to Verdigris River? A Well, they were right in the edge of the bottom, they lived right in the bottom when they first came down here.
- Q How far from the Kansas line? A I guess it must be about ten or twelve miles.
- Q How far from you? A Oh about 10 miles
- Q In what season of the year did you arrive in the Cherokee Nation? A Well, I think the 9th day of February
- Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.
- Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until the grass came up in the spring of '68.
- Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.
- Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.
- Q Now if I understand you, you came to the Verdigris River about '67? A I want you to understand this; we didn't move down in '67.

- I came down here to look at the country.
- Q Then what did you do? A I went back to Kansas
- Q How long did you stay? A Well, we stayed a year.
- Q It took you a year to look at the country? A No, we stayed about two months here.
- Q When, in '67? A Yes, sir, two months on the Verdigris
- QQ About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and Snow Creek.
- Q Well, when did you stop on Snow Creek? A In '67
- Q What time? A In August.
- Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
- Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
- Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
- Q Then you was coming how long altogether, about two months? A Two months.
- Q Then you went back to Kansas? A Yes, sir.
- Q How long did you stay in Kansas? A We stayed till- I left there in February, about the first of February.
- Q What year, '68? A '68.
- Q Where did you go? A Came down here.
- Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.
- Q How long did you stay in that part of the country where you first came to? A Well about two months.
- Q About what time was it when you moved out of that neighborhood? A It was about along the first of April, someplace along there.
- Q Then did you move to Grand River? A Yes, sir
- Q That was 35 or 40 miles away? A Yes, sir.
- Q Were you back in there at any time soon? A I came back again before Christmas.
- Q Back in there again? A Yes, sir.
- Q Where were you then? A I was over there about Gody's Pluff
- Q Up about Snow Creek? A No, below there.
- Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well, I can't exactly tell, it is not very far.
- Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
- Q You mean the mouth of Snow Creek? A Yes.
- Q Then you camped right exactly on the Kansas line? A No, sir.
- Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.
- Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
- Q It has to be up Snow Creek if it was anywhere? A Yes.
- Q Well you said you camped three miles from the mouth of Snow Creek
- A Yes.
- Q Then you were right exactly on the Kansas line, weren't you? A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.
- Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.
- Q Well, there was a carpenter living there that built this fellow Love's house? A The Delawares never moved here till '68.
- Q You said you were back there in '68; what I am asking you about

you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well, you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek do you? A No, sir.

Q Can't say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date?

A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

MR. Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q Do you know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nelse's young master, John Nave.

Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going a out towards Wagoner from from Park Hill? A Yes, sir.

MR. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

MR. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And the was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes sir, my woman will tell you that.

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Taking of testimony continued by Stenographer J. O. Rosson.

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Bruce C Jones, being duly sworn says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the th of November, 1901.

(Signed) T. B. Needles
Commissioner

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 5th day of November 1904.

Charles W. Sampson
Notary Public

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C. F.-D #548, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:

Mr. Smith, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Mintie Melton.

Q Where do you live, Mrs. Melton? A On the Verdigris.

Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.

Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.

Q Do you know his wife? A Yes, sir.

Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.

Q Well, do you know where she was when the war broke out?

A No, sir, I don't.

Q Did she belong to the same parties that you belonged to?

A No, sir.

Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.

Q Was she a slave of the same parties you were? A No, sir.

Q How far did she live from you? A 12 miles I think.

Q Well, you say you don't know where she was when the war broke out? A No, sir.

Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.

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

Q Where was he when the war broke out, do you know? A No, sir, I don't.

Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.

Q About when did you see him? A When did I see him?

Q Yes? A I can't tell exactly when it was.

Q Well, have you seen Nelson's wife after you come back after the war? A This lady he has got now?

Q Yes? A No, sir, they lived up here.

Q I mean since you have moved up in this country? A Yes, sir.

Q Is she the same woman you knew before the war? A Same woman.

Q And you say you didn't know where she was? A No, sir.

Q Was she with her owners that owned her when the war broke out? (No response.)

Q Was she at their home? A Well, I don't believe she was right at home.

Q Do you know where she was or what became of her? A I don't know where she was.

Q Do you know how she come here, what the circumstances of it was?

A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Lewis Melton and I live on Caney.

Q Isn't it a fact that your father and she ran off and left this country before the war broke out?

Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.

Com'r Needles: Let the objection be entered.

A She was at home and I was at home; I don't know where she went to and I never visited there.

Q Wasn't it understood by you that she and your father ran off together before the war and left the country?

Mr. Smith: I object to that.

COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.

MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.

MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.

Q You don't know what took place when the war broke out? A No, sir.

Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:

MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.

Q Did he belong to the same men you did? A No, sir.

Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.

Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.

Q Well, where was she when the war broke out? A I told you she was gone.

Q Do you know where Robert Vann was? A He must have been with that woman.

Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flery from my Masters.

Q Where did they go? A I don't know where they went.

MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.

Q Did you see him? A Yes, sir, and talked with him.

Q Did you? A Yes, sir, and hoped him get off that night.

Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flery to Joe Vann's and got Mr. Joe Vann to buy her.

Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.

Q And you think he had Flera over about Joe Vann's? A I don't know.

Q What did you say about Joe Vann? A I said I was there when he brought her there.

Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.

Q Have you told now all you know about this case? A Yes, sir.

Q Have you left anything for your wife to say? A No, sir.

MR. DAVENPORT: Just told the facts? A Yes, sir.

MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.

Q Were you asked the question the first time you were on the stand who did Flera run off with; were you asked that question? A Yes, sir.

Q The first time you were on the stand? A Yes, sir.

Q Did you say "I don't know, my old woman can tell you?" A I said-

Q Did you say "I don't know?" A No, sir.

Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Phillip R. Caesar.

Q Where do you live, Mr. Caesar? A Muskogee.

Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.

Q Where were you mustered out? A I was mustered out at Fort Leavenworth.

Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.

Q What part of the Territory did you come first? A First I came to Cherokee Nation.

Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow creek.

Q How long did you stay in that vicinity there? A I stayed there only one season, one year.

Q What year did you come to the vicinity of Snow creek, Mr. Caesar?

A It was '67, Spring of '67 that I came.

Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.

Q Was there any improvements made by anyone around there?

A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.

Q How far was the improvements that you made from where Snow creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.

Q Short distance away? A Yes, sir.

Q Are you acquainted with the applicant here, Nelson Murrell, the gentleman who sits there, the old gentleman on the front seat?

A No, sir, I am not personally acquainted with him.

Q You are a citizen of the Creek Nation aren't you? A Yes, sir.

Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris vrom the mouth of Snow Creek.

Q That was before you left there? A Yes, sir.

Q Was there any Indians in that part of the country before you left?

A Yes, sir.

Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.

Q You did some work for him before you left there? A Yes, sir.

Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.

Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.

Q Were you on the north side, what I would call the north side of Snow creek, or south side; I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.

MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.

Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.

Q From the mouth of Snow creek? A Yes, sir.

Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name.

Q How far was that from the line of Kansas? A The exact distance I could not tell; it was not very far.

- Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
- Q Well, when you left there did you leave for Chetopa? A When I left there?
- Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
- Q How far did you live from Snow creek? A I raised one little crop on Snow creek.
- Q When did you get there? A Along in the spring, about February or March.
- Q Did you have a family? A No, sir.
- Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
- Q Lived in Little's house? A Yes, sir.
- Q About a mile or mile and a half from Snow creek? A Yes, sir.
- Q Did you live right on the bank of Snow creek? A No, sir.
- Q How far did you live? A Somewhere about a mile from the river.
- Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
- Q Now, how long is Snow creek? A I don't know.
- Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
- Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
- Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.
- Q So you don't know a then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
- Q Well, as a matter of fact you don't know anything about it then you didn't see anybody living there except those you have mentioned? A No, sir.
- Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
- Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
- Q You don't know how long these families had been there in that part of country? A No, sir.
- Q Where they came from? A No, sir.
- Q Don't know anything about it? A No, sir.
- Q How long were you in the army? A In the army about two years and two months.
- Q Where did you join? A I joined about the 9th of August.
- Q What year? A '63.
- Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.
- Q What time did that let you out? A I got out in September, well in about, I was discharged in September, '65.
- Q Where were you when you were discharged? A Fort Leavenworth.
- Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.

- Q Well, how many years? A Well, from '65 until '67.
- Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.
- Q How long before you got in the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from one country to the other.
- Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
- Q Don't you know when it was you first went to the Creek Nation?
- A No, sir.
- Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
- Q When? A I was in the Creek Nation in the limit, the 12 months.
- Q Twelve months from when? A From April the 13th or 16th I suppose.
- Q April 16th, what year? A From the passage of the treaty.
- Q When was that? A '67, April, '67.
- Q When you worked for Love where did he live? A Cherokee Nation.
- Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
- Q Just started; well, was it a house or not? A House I suppose.
- Q Don't you know, don't you know a house when you see it?
- A Yes, sir.
- Q Was it a house or not? A Yes, sir.
- Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
- Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.
- Q Do you know who built his house? A No, sir the house was there when I went there.
- Q Do you know anything about a carpenter before that time that lived up on Snow creek and built Love's house?
- A I don't know.
- Q Wasn't any living up there? A I don't know.
- Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
- Q People lived around there that you didn't know anything about?
- A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #923, #788 and #994.

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

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foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rossen

Subscribed and sworn to before me this October 25th, 1901.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 14th day of November 1904.

Charles H. August
Notary Public.

(C O P Y)

C. F. D-548.

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

In the matter of the application of Nelson Murrell et al for
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
Q Do you know how old you are, Simon? A I do, sir, about near
about it.
Q Well about how old do you think you are? A Going on 61, on the
25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon? A
Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war? A
After the war, sir.
Q Do you remember that distinctly; you don't know what year, but
after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas did you get ac-
quainted with a colored fellow by the name of Murrell? A I got
slightly acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first
name was; I got acquainted with him slightly, just passing by him
coming in.
Q Did you know where he lived? A No, sir, I never did know where
he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as fol-
lows:

MR. DAVENPORT: What is your name? A Jehn Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your postoffice? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65,
since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Kansas did you get acquainted with a colored
family by the name of Murrell? A Yes, sir.
Q Do you know what the first name of the man was? A I think
his first name slipped my mind. Nelson Murrell, Nelson Murrell I
think was his name.
Q Where was he living when you first got acquainted with him?
A On Jehn Todd's place.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.

Q You say he was living on John Tedd's place? A Yes, sir.

Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.

Q Well, that's what I mean; was he keeping house? A Yes, sir.

Q And lived on John Tedd's place? A Yes, sir.

Q What were the circumstances of your getting acquainted with him that you remember him that well? A Why I went there to break prairie for John Tedd.

Q They had a man on this place; he was living there? A Yes, sir.

Q Well? A That was the most convenient place I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.

Q Boarded with them, they cooked for you? A Yes, sir.

Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.

Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.

MR. NELLETTTE: You simply stopped there with him while you was breaking prairie there? A Yes, sir.

Q Didn't know him very long that did you? A No, sir.

Q Don't know where he had been before that, do you? A No, sir.

Q Don't know where he went after that? A I don't.

Q Are you certain it was in the year '68? A Well, that or '69.

Q How long did you break prairie there? A I expect it was a couple of weeks, I disremember.

Q Well now when was your attention first called, when you were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.

Q How long ago? A I guess it's six weeks ago, might have been over that.

Q Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie?

A Yes, sir.

Q You have got a pretty good memory, haven't you? A Why I don't know that I have.

Q Who talked to you about this case first; that gentleman, do you know? A Yes, sir.

Q What's he got to do with this business? A Couldn't tell you.

Q What's his name? A Rucker. C. T. Rucker.

Q Where does he live? A Fort Scott.

Q Is he getting up evidence for the Cherokee Nation up there? A I ain't positive about that.

Q He was around inquiring of you what you knew, was he? A Yes, sir.

Q What did he say to you? A He wanted to know if I ever knew a man--now as near as I can recollect-- if I knew a man by the name of Murrell, a colored man that used to live down there.

Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.

Q Is he the witness that testified in the Pomp Brown--Lewis T. Brown case a while ago? A I think he did.

Q And he came to you inquiring what you knew about the Nelson Murrell case? A Yes, sir.

Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No, sir.

Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Tedd place, and I broke-- I was breaking prairie for

the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd ~~and then~~ went up with a team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.

Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes, sir.

Q You didn't even remember his first name when you was first asked the question? A I didn't.

Q Have you ever seen him since you saw him there? A I don't remember that I have.

Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.

Q Never have seen him? A No, sir.

Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.

Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.

Q You don't know where Nelson Murrell was in '66, do you? A I do not.

Q '67? A I don't; let me see; no, I don't know where he was in '67.

Q And you don't know where he was except the time you speak of? A That's all.

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No, sir.

Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.

Q You was then subpoenaed, was you not? A Yes, sir.

Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants? A I never heard of any organization.

Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-621.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Creninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

(Signed) F. G. Reuter

(SEAL)

Notary Public.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 14th day of November 1904.

Charles D. Sawyer
Notary Public.

Cherokee Freedmen D 758.

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

In the matter of the application for the enrollment of
James A. G. Lane as a Cherokee Freedman.

D E C I S I O N .

The record in this case shows that on June 18, 1901, George W. Lane appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of his son, James A. G. Lane, as a Cherokee Freedman and for the enrollment of himself as a Cherokee Freedman by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said George W. Lane is not embraced in this decision. Copies of the testimony taken in the case of Nelson Murrell, et al., Cherokee Freedmen D. 548, are made a part of the record herein.

The evidence shows that the applicant, James A. G. Lane, is a son of Florence Meigs, deceased; that the latter was born since the commencement of the rebellion and was a daughter of Flora Murrell who was the slave of a Cherokee citizen at the commencement of the rebellion; that Flora Murrell did not leave the Cherokee Nation during the rebellion, but she and her daughter Florence resided therein during the entire year of 1866.

The evidence further shows that the said James A. G. Lane has resided in the Cherokee Nation all his life, except that since the year 1900 he has been temporarily out of the Cherokee Nation for sometime for the benefit of his health.

It is, therefore, the opinion of this Commission that James A. G. Lane should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this MAR - 5 1904

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 22, 1904.

Land.

57607-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904 transmitting the record of the application of James A. G. Lane for enrollment as a Cherokee Freedman.

March 5, 1904, the Commission decided favorably to the applicant.

The record shows that the applicant is the son of Florence Meigs, deceased; that the latter was born since the beginning of the war of the rebellion and was a daughter of Flora Murrell who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that Flora Murrell did not leave the Cherokee Nation during the war, but she and her daughter, Florence, resided therein during the entire year of 1866. The evidence further shows that James A. G. Lane has resided in the Cherokee Nation all his life, except a temporary absence for the benefit of his health.

The name of the applicant is identified on the Kerns-Clifton and Wallace rolls, but has not been found on the 1880 authenticated Cherokee roll.

The Cherokee Nation protests against the Commission's decision.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.M.M:
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W. C. F.

D. C. 41075-1904

WASHINGTON. October 21, 1904.

Y. P.

I. T. D. 7684-1904.

FHB

IRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 19, 1904, you transmitted the record in the matter of the application of George W. Lane for the enrollment of his minor child, James A. G. Lane, as a Cherokee freedman, including your decision of March 5, 1904, granting said application. You also transmitted a copy of a protest of the Cherokee Nation against your decision.

Reporting in the matter September 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) M. W. Miller

1 inclosure.

Acting Secretary.

COPY.

Cherokee Freedmen
No. 1118.

Muskogee, Indian Territory, December 11, 1901.

James A. C. Lane,
Elliott, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 3, asking to be advised whether or not your name has been placed upon the final roll of Cherokee Freedmen.

In reply you are advised that your name has not yet been placed upon a final schedule of Cherokee Freedmen and forwarded to the Secretary of the Interior for his approval.

You are further advised that you will not be permitted to make an allotment selection until your enrollment has been finally approved by the Secretary.

Respectfully,

James Dixby.
Commissioner.

Cher Fr 1419

Trans. from Cher Fr D194

Cher Fr 1419

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 6th, 1901.

In the matter of the application of George Daniels for the enrollment of himself, wife and two minor children as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A George Daniels.
Q How old are you? A I am 40 some odd, I don't know.
Q What is your post office? A My post office is Spavinaw.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee nation? A I have lived in the Cherokee Nation about all my days; was out a little time of the war and afterwards I have been back in the Nation.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir; always has been.
Q Always been but on the rolls? (No response.)
Q Have you always been admitted to enrollment? A Yes, sir, all but one time.
Q What time was that? A 1880 I think it was.
Q Give me the name of your father? A Toner Daniels.
Q Is he alive? A No, sir.
Q How long has he been dead? A He has been dead ever since along in '65 I guess.
Q Give me the name of your mother? A Cynthia Daniels, belonged to Woodal.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Ever since before the war.
Q How long before the war? A Right at the beginning of it.
Q Died when you were a baby? A Yes, sir, I was small.
Q Give me the name of your wife? A Frances Daniels.
Q How old is your wife? A She is 40 something, I don't know.
Q About your age is she? A Yes, sir, she was a child before the war.
Q Is she a Cherokee Freedman of her own right? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A Ever since, since the war.
Q Give me the name of her father? A Turk Vann.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I could not tell you, six or seven years, I guess, maybe not so long.
Q Give me the name of your wife's mother? A Mirtie Barlow.
Q She is alive now? A Yes, sir.
Q When were you and your wife married? A I could not tell you, a long in 1880, my last wife.
Q Your present wife? A Yes, sir.
Q Was she ever married except to you? A No, sir.
Q How many times were you married before you married her?
A Once.
Q Was that wife dead when you married this wife? A Yes, sir.
Q Has this wife lived with you ever since you married her in 1880?
A Yes, sir.
Q Give me the names of your two children for whom you apply?
A Nathan Daniels.
Q How old is that child? A He is about 13.
Q Now, give me the name of the next child? A Henry.
Q How old is he? A He is about 11.
Q That is the youngest is it? A Yes, sir.
Q Are these children both living now? A Yes, sir.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q What was your wife's mother name in 1880, was it Barlow? A No, sir, it must have been Johnson if I don't mistake

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and the name of applicant's wife's father found thereon, page 672, #1208, Turk Vann, Saline District.

George Daniels, et al.--2.

The 1896 census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

- Q Did your wife draw Cherokee strip money? A No, sir.
Q Did you draw Cherokee strip money? A No, sir, I never drew it only.
Q The Wallace? A No, sir, I drew that too, but the first one.
Q You drew Cherokee strip money? A Yes, sir.

The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and the names of applicants found thereon as follows:

Page 115, #2854, George Daniels. (No District given.)
Page 159, #3926, Frances Daniels, Cooweescoowee Dist.

- Q Didn't your child, Nathan, draw strip money? A Yes, sir.

Page 115, #2857, Matt Daniels. (No District given.)
Page 115, #2858, Henry Daniels. (No District given.)

- Q Well, you are too young to remember where you were at the close of the war between the North and the south? A Yes, sir; I can tell you where I was at the close of the war.
Q Where were you? A I was in the Choctaw Nation at the closing of the war.
Q You just know that by hearsay, you don't remember it?
A I was in the, went south from the breaking out of the war.
Q You went down to the Choctaw nation, did you? A Yes, sir.
Q How long did you stay there? A Stayed there until the war ceased.
Q Do you know when you come back? A Know when they said I come back.
Q When was that? A They said I come back in '65.
Q Who brought you back? A The people I belonged to.
Q Who was it you belonged to? A I belonged to Bob Daniels' sister and she married a Woodal.
Q What was her name? A Ann Daniels before she was married.
Q And then she married a Woodal? A Yes, sir.
Q Is she dead? A Yes, sir.
Q She is your mother living? A She is dead.
Q But your wife's mother is living? A Yes, sir; she is living in Illinois District on Grand river.
Q Well, is there anybody here who knows that you were brought back in 1865? A Yes, sir, uncle Simon there

SIMON LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your full name? A Simon Lynch.
Q How old are you? A About 72 or 73, best that I know.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is your ~~street name~~ post office now? A Spavinaw.
Q Were you a slave in old times? A Yes, sir.
Q To whom did you belong? A Joe Lynch.
Q Do you know Bob Daniels? A Yes, sir.
Q He owned slaves did he? A Yes, sir.
Q Did you know his sister, Ann? A Yes, sir.
Q Whom did she marry? A Woodal.
Q Do you know his full name? A Tom Woodal.
Q Did she marry him before the war? A Yes, sir.
Q How far did Mrs. Woodal live from where you lived before the war? A It is, I just really don't how how far it is; it is down in Going Snake district.
Q Did you live in Going Snake district? A No, sir I live in Saline.
Q Quite a distance though? A Yes, sir.

George Daniels, et al.--3.

- Q Did you know Mrs. Woodal? A Yes, sir; Mrs. Woodal was my first Mistress.
- Q You had once belonged to her? A Yes, sir.
- Q Did you know a woman named Cynthia Daniels? A Yes, sir, my sister.
- Q Was she the mother of this boy, George, here? A Yes, sir.
- Q Did she belong to Mrs. Woodal? A Yes, sir.
- Q How long has your sister, Cynthia, been dead? A Oh, it has been, died here before the war.
- Q This George Daniels must be a great deal over 40 years of age? A I don't know how old he is.
- Q He is Cynthia's child is he? A Yes, sir; he is her child.
- Q Well, where did you go during the war? A Kansas.
- Q Whereabouts in Kansas? A I forget what the name of the County is, but it is Neosho Falls.
- Q What did you do up there? A Farm.
- Q How long did you stay up there? A Four years.
- Q When did you ~~come~~ go up there? A '61 or '62.
- Q And then you came back down to the Cherokee Nation? A Yes, sir.
- Q Your sister, Cynthia, she died just before the war? A Yes, sir.
- Q What became of this child, George? A He stayed there with his Master and Mistress until they went south.
- Q You were not down there with them? A No, sir.
- Q You don't know where they went? A No, sir, they said they went south, that is all I know about it.
- Q Where did you go when you came back from Kansas? A I lived down on this Creek here one year in 1866 and then I went back on the river.
- Q In what year did you go back on the river? A '67.
- Q When did you first see this George Daniels after you got back from Kansas? A It was in '67 when I seed him, they sent after him, he was sick down there.
- Q Down in the Choctaw country? A No, sir, down in Going Snake.
- Q He was sick down in Going Snake and your people sent for him? A Yes, sir, my mother sent for him.
- Q And he was sick in Going Snake? A Yes, sir.
- Q Did you know the wife of George Daniels? A Yes, sir.
- Q What is her name? A Her name is Frances.
- Q Did you know her father? A Yes, sir.
- Q To whom did he belong? A Belonged to Mr. Vann.
- Q What was his full name? A Turk Vann was her father.
- Q To whom did Turk Vann belong? A Joe Vann.
- Q Is that the one that is known as old Rich Joe Vann? A No, sir, I guess not.
- Q Where did this Joe Vann live? A In galine district.
- Q He was a Cherokee citizen was he? A Yes, sir.
- Q Do you know Frances Vann's mother? A Yes, sir.
- Q What was her name? A Her name is Mintie.
- Q She is alive now isn't she? A Yes, sir.
- Q To whom did she belong? A Mr. Vann.
- Q Joe Vann? A Yes, sir.
- Q How far did this Joe Vann live from where you lived before the war? A I don't know just how far, it is about 22 or 23 miles, to the best of my knowledge.
- Q How did you happen to know the colored people that belonged to him? A I was with him all the time backwards and forwards.
- Q Now, this woman, Frances, George Daniels' wife, where was she during the war? A Well, sir, I don't know where she was here during the war.
- Q You don't know when she got back? A No, sir.
- Q How about Mintie, her mother? A I don't know just about when she come back.
- Q You can't answer as to that? A No, sir.

BY W. W. HASTINGS, Cherokee Representative:

George Daniels, et al.--4.

Q What time was it you sent for this fellow in 1867, was it in the Summer or Fall? A I can't tell you just exactly when it was, I don't recollect just what time it was.

BY COMMISSIONER BRECKINRIDGE:

Q You don't know how long he had been there in Going Snake when you sent for him? A I heard he had been there ~~about~~ ~~there~~ about a year.

GEORGE DANIELS, the applicant, re-called, testified as follows: BY W. W. HASTINGS:

Q Your Mistress' name at the opening of the war was Ann Woodal?
A Yes, sir.
Q And her husband was named Tom Woodal? A Yes, sir.
Q And she lived in Going Snake district before the war?
A Yes, sir.
Q And she came back to Going Snake? A Yes, sir.
Q You claim you went south with her and came back with her?
A Yes, sir.
Q Did they have any family? A Yes, sir.
Q What children of hers are living? A I don't know of none now as I can think of but one.
Q What is his name? A Charlie Woodal.
Q Where does he live? A Going Snake, right at the old place where I was born.
Q He was the one that was killed? A No, sir, he ain't killed as I heard of.
Q He was killed? A I didn't know he was killed.
Q You say you think he is alive? A Yes, sir.
Q About how old is he, older or younger than you? A He is ~~older~~ younger; when they sent for him he was just a little fellow, just small.
Q You lived right near Ned Foreman right over there? A Yes, sir; I recollect Ned.
Q He knows when you come back with the Woodals don't he? A Yes, sir.
Q Do you remember any other neighbors that lived over there in Going Snake district when you came back after the war? A I can't tell of them, there is some that I know I was pretty small; I didn't stay there no more than a year until they sent for me.
Q You were not but five or six years of age? A No, sir.
Q Your mother died before the war? A Yes, sir.
Q You were just a baby when they took you out? A Yes, sir, I was small, my grandfather sent for me and raised me.
Q What was your grandfather's name? A Gräffin Daniels.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of himself, his wife and two children: He is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or upon the roll of 1896.

Applicant: I know why I am not on the roll of 1880.

Q Why was not you put on the roll of 1880? A I was living in Saline District all the time up until I married and after I married I took a claim in Delaware District and when Joe Thompson come sound taking the census roll he didn't know me and he went on by my house and didn't take the census. I have been in Saline all my days, been voting there and have not been deprived or anything; the first voting I done was in Saline District, and I was over there as a stranger and Joe Thompson didn't know me, that is how come me not to be on the 1880 roll.

For the further consideration of his application, as set forth in the testimony, he will now be listed for enrollment

as a Cherokee Freedman on a doubtful card.

His wife is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or the census roll of 1896. Her deceased father is identified on the roll of 1880, but her mother, now living, is not identified upon that roll. The applicant's wife will be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of her case. Their two children, Nathan and Henry Daniels, are identified on the Kerns-Clifton roll, but not upon the Census roll of 1896. They are living and will be listed for enrollment as Cherokee Freedmen upon the doubtful card with their father and mother.

SUPPLEMENTAL TESTIMONY in the above application.

SIMON LYNCH, Witness, re-called, testified as follows:
EXAMINATION BY COMMISSIONER BRECKINRIDGE:

- Q I believe you said that you know Frances Daniels, the wife of George Daniels? A Yes, sir.
- Q How long have they been married? A Well, sir, I don't recollect just how long.
- Q Well? A About ten or twelve years I guess.
- Q You think it is only about ten or twelve years? A Yes, sir; to the best of my knowledge, I just don't know.
- Q Well, did you know her long before she married him?
- A Yes, sir, I knowed her before the war.
- Q You have known her about all her life? A Yes, sir.
- Q Was she ever married except to this man? A She has had some children, but I don't know whether she was ever married.
- Q You have known her all the time? A Yes, sir.
- Q Did she and any other man ever live together as husband and wife? A No, sir, not as I know of.
- Q Never held each other out as you know of? A No, sir.
- Q Have you been knowing her for years right along?
- A Yes, sir.
- Q Do you know that she never kept house with any man and lived there as his wife? A No, sir.
- Q Were you in a position to know that she never did it?
- A Yes, sir.
- Q Was this man, George Daniels ever married before? A Yes, sir.
- Q How many times? A Once.
- Q Was his former wife dead when he married this wife? A Yes, sir.

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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 7th day of May, 1901.

[Signature]
Commissioner.

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v. r. l.

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

FILED

MAY 6 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date *May 6th 1901*
Post Office *Spartanburg S.C.*
District *Twelve*

1. Name *George A Daniels* Age *40+*
Owner's name _____ Citizenship _____
Year *N.C.* Page *113* No. *2854* District _____

Parents:
Father *John Daniels - dead* Citizenship _____
Mother *Sophia " - dead* Citizenship _____

2. Name of wife *Frances Daniels* Age *40-*
Owner's name _____ Citizenship _____
Year *N.C.* Page *159* No. *3926* District *Coa*

Parents:
Father *Jurk Sam - dead* Citizenship _____
Mother *Minta Carow - living* Citizenship _____

Names of Children:

- | | | | | | | |
|-----|-----------------------|------|-------------|-----------------|-----------------|-----------------|
| 3. | Lucie | Year | Page | No. | Dist. | |
| 4. | <i>Nathan Daniels</i> | Year | <i>N.C.</i> | Page <i>115</i> | No. <i>2853</i> | Dist. <i>13</i> |
| 5. | <i>Henry</i> | Year | <i>N.C.</i> | Page <i>115</i> | No. <i>2853</i> | Dist. <i>11</i> |
| 6. | | Year | Page | No. | Dist. | |
| 7. | | Year | Page | No. | Dist. | |
| 8. | | Year | Page | No. | Dist. | |
| 9. | | Year | Page | No. | Dist. | |
| 10. | | Year | Page | No. | Dist. | |
| 11. | | Year | Page | No. | Dist. | |
| 12. | | Year | Page | No. | Dist. | |

Application made by *[Signature]* Stenographer *J. C. Roan*

No 4 on N.C. Roan as Matt Daniels

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 7, 1901.

Supplemental testimony in the matter of the application of George Daniels, taken on part of the applicant, represented by his attorney, D. M. Wisdom, and representative W. W. Hastings of the Cherokee Nation being present.

William Foreman, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A William Foreman.

Q What is your age? A 64 past.

Q What is your postoffice address? A Wagoner.

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

Q By blood? A Yes sir.

D. M. Wisdom, applicant's attorney: Are you acquainted with George Daniels, the applicant in this case? A Yes sir.

Q How long have you known him? A Since the spring of '66; in May or June.

Q Was he in this country in the spring of '66? A Yes sir, in Saline District.

Q How did you come to see him there and know him? A He worked for me that year and spring.

Q He worked for you in the spring of '66? A He worked oxen for me; he broke some new ground.

Q He is a Cherokee Freedman? A Yes sir, his owner was Woodall. His Mistress was a Daniels, and she married Woodall.

Q He sometimes goes by the name of Daniels and sometimes Woodall? A His owner was named Woodall; he has taken the name of Daniels

ever since I have known him. I taken the census in 1880 in Saline District. My recollection is that I put him down as George Woodall in Saline District. I wouldn't be positive. It required that all slaves had to take their master's name. He was living with his grandfather, Griffin Daniels, and I think I put him down as George Woodall.

W. W. Hastings: You took the roll of 1880 in Saline District? A Yes sir; old John Daniels was my interpreter.

Q What time did he work for you in the spring of '66? A In May or June; I think it was in June we were breaking up some new ground; that was in Saline District on what is called Lynch's Prairie.

Q Who were some of your neighbors at that time? A George Scraper, old man Scraper, my father-in-law at that time, Anderson Bengo, he is dead; George Clark, Watt Christie, he is dead. George Clark is living.

Q What kind of a team did you break ground with? A With oxen or stage.

Q You know he broke ground for you in the spring of '66, in May or June? A Yes sir.

Q He broke with these oxen? A Yes sir.

Q You are positive? A Yes sir.

Q You know it? A Yes sir.

Q You were a witness for a good many colored people five years ago? A Yes sir.

Q You took notes from a good many of them for fees to be a witness? A Yes sir, three or four.

Q What is the largest amount they gave you as notes for being a witness for them in 1896? A \$25.00 is the largest I ever charged any of them.

Q Isn't it a fact you charged them as high as \$300.00? A I took a note from the Robinson boys; there were five of them, and I took a note from them.

Q For \$125.00? A Yes sir.

Q For being a witness in the one case? A Yes sir.

Q How many more notes did you take besides the Robinson case? A I think two more was all. I have one of them yet; never collected it.

Q What other case did you collect notes? A A woman, I forget her name. Andy Daniels he paid me.

Arthur Bean, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Arthur Bean.

Q What is your age, Mr. Bean? A 58.

Q What is your postoffice address? A Vinita.

Q Are you a Cherokee Freedman? A Yes sir.

D. M. Wisdom: Do you know George Daniels, the applicant here?

A Yes sir.

Q When did you know him? A In '66.

Q Where did you know him? A Down on the river.

Q On Grand River? A Yes sir.

Q In Saline District? A Yes sir.

Q What was he doing there? A He was there with his grandfather at that time.

Q Living with his grandfather who? A Griffin.

Q How far did you live from his grandfather? A About a mile, I guess.

Q How old was he - a good chunk of a boy? A Yes sir, a good chunk of a boy.

Q Do you know whether he was in the employment of Mr. William Foreman? A No sir, I don't; I wasn't with him in the spring. I got acquainted with him in the fall of '66.

W. W. Hastings: Arthur, how old are you? A 58 years old.

Q You are not on the roll of 1880, are you? A No sir.

Q You have not been recognized? A No sir, not on that roll.

Q Well, you swear that George Daniels was there in the spring of '66? A No sir, I said in the fall of '66 when I seen him.

Q With whom was he living? A With his granddaddy, Griffin Daniels.

Q Was Griffin living on a place of his own down there? A Yes sir.

Q Who were some of Griffin Daniels' neighbors? A Spring Frog.

Q He is dead? A Yes sir.

Q Anybody living? A George Clark.

Q G. W. Clark? A Yes sir.

Q If Simon Lynch testified that George Daniels come back to Golangake and that he sent down and got him in the spring of '67, and he come back in '67 the first time, he is mistaken? A Yes sir, he is mistaken; I noticed that yesterday.

Q If he swore that that was a mistake? A Yes sir, that was a mistake.

Q Do you know who George come back with? A I know who he come up here to Lynch's Prairie with, with George Eton.

Q Is George a colored man? A Yes sir.

Q Is he alive? A No sir, he is dead.

D. M. Wisdom: Is George Eton related to this man? A I don't think he was any relation.

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 full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of May, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 21, 1901.

In the matter of the application of George Daniels for the enrollment of himself, wife and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give your name? A George Daniels.
Q How old are you? A I am 40 some odd, I don't know exactly.
Q What is the name of your wife? A Frances Daniels.
Q And you have two children? A Yes sir.
Q What are their names? A Nathan and Henry.
Q You applied for yourself and family a few days ago? Yes sir as far as I could get with my family.
Q You want now to give some additional testimony? A Yes sir.

Examined by Cherokee Representative, W. W. Hastings.

Q Mr. Daniels, upon investigation of the rolls of 1880 this morning we find the name of Frances Williams, and with her a child six months old, a female child, on the roll as Thursday Williams, and a number of the colored people present insisted that this was your wife; now make any explanation that you desire to make to the Commission, the reasons why you think it is your wife? A Well, if she has got some sisters on there by the name of Susie and Bettie, if them is anyways near or can be found in that name, probably that's the woman, Frances.

By Com'r Breckinridge:

Q Susie what? A Well, if it is Susie Williams, it might be their father had them put down that way.

By Hastings:

- Q Their father was named Turk Vann? A Yes sir.
Q And their mother Kintie? A Yes sir.
A And these people that knows claims that the Williams comes in through marrying, the owners of my wife's father was Williams, that was Turk Vann.
Q Did your wife have a child that was about six months old in 1880
A Yes sir.
Q Is that child living or dead? A It is dead.
Q Girl or a boy? A It is a girl, it wasn't named Thursday.
Q When did you marry her? A I married her in 1880- one or two, I don't know just when it was, '80 something.
Q Was this child dead at that time? A When I married her?
Q Yes sir? A Yes sir, it was dead before I married her
Q Your wife didn't go by the name of Williams when you married her?
A No sir, if she did I never heard of it.

(Opposite the name of Frances Williams on roll appears the note, granddaughter of Johnson Vann, deceased, and appearing on there as a citizen.)

1880 authenticated roll of citizens of the Cherokee Nation examined and Francis Williams identified on page 333 #2824 Francis Williams, Delaware Dist, adopted col'd 21 years of age, with child, Thursday, six months old.

1880 authenticated roll of citizens of the Cherokee Nation examined for Susie and Bettie Williams, Susie not found, Bettie found in different district.

- Q Is Bettie Williams older or younger than your wife? A She is younger.
Q Did your wife and Bettie live in the same district or different

George Daniels et al 2

districts? A Different districts.

Q What district was Betay living in then? A Coowescoowee

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's sister-in-law identified on page 211 #3502 Bettie Williams, Coowescoowee, adopted col'd.

Com't to clerk: This Frances Williams, she is only with a child named Thursday? A Yes sir.

Q Now when you married your wife, you say she had a child? A It was dead.

Q She had had one child? A Yes sir.

Q What was the child's name? A Ellen.

Q Did they call it Ellen Williams? A No sir, I never heard any name for it only just Ellen.

Q Where is your wife? A She went home this morning.

Q How far do you live from here? A I live about- they call it 15 miles from here, on Grand River.

Examined by Cherokee Representative, W. W. Hastings:

Q Your wife's father was named Turk Vann? A Turk Vann.

Q Now what was his step-father named, which would be your wife's step-grandfather? A Oh I couldn't tell you that, I don't know.

By Com'r Breckinridge:

Q Is Mintie Vann dead? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for wife's mother and found on page 332 #2794 Minta Vann, Delaware District, adopted colored;

Q Who is that Georgie Vann that was here? A That's her son.

Q Your wife's half brother? A Yes sir.

Q And Emma? A That's a half sister of my wife.

Q Is she alive? A No sir, she is dead.

PHILLIS BEAN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Phillis Bean.

Q How old are you? A I don't know just exactly how old I am.

Q Well as near as you can come to it? A I guess about 51 I guess, somewhere along there.

Q What is your post-office? A Vinita.

Q In what district do you live? A Delaware.

Q How long have you lived in the Cherokee Nation? A I have lived in here all my life.

Q Do you know George Daniels, this man here? A Yes sir.

Q Do you know his wife? A Yes sir.

Q What's her name? A Frances.

Q How long have you known her? A Knewed her ever since she was a child.

Q What was her father's name? A Turk Vann.

Q And her mother? A Mintie Vann.

Q How many times has she been married? A She had been married once that I know of.

Q Once before she married this husband? A Yes sir.

Q Who was she married to then? A I didn't know her husband's name, I don't know whether she was married or not.

Q She lived with a man as husband and wife? A Yes sir.

Q You don't remember his name? A No sir.

Q How long was that before she married this man? A I don't know how long it was.

Q Did she have any children by that first husband? A Ellen, she had a girl, child, named Ellen.

George Daniels et al 3 supplemental

Q Did you ever hear the girl child called by any other name but Ellen? A No sir.

Examined by Cherokee Rep've W. W. Hastings:

Q How do you account for her name being Williams? A She was a Vann before she married Williams; and Turk Vann went by the name of Turk Vann or Tuck Williams either one.

Q Her father did? Yes sir.

Q Who did Turk Vann belong to? A Katie Vann.

By Com'r Breckinridge:

Q How did he get the name of Williams? A Because Kate Vann married a Williams, and she went by either one of the names.

Q Before the war? A Yes sir.

By Hastings:

Q Turk Vann's former owner was Katie Vann, who afterwards was Katie Williams? A Yes sir, she was a Vann before she was a Williams, and she went by either one of them named.

Examined by Com'r Breckinridge:

Q When you speak of somebody having been married you mean Turk Vann's mistress being married? A Yes sir.

Q This Frances, she didn't marry anybody named Williams? A No sir. That was Turk Vann's mistress' name.

Q Did you ever hear that child that Frances had by her first husband, called Thursday? A No sir, nothing but Ellen; she had one girl child.

Com't Brackinridge: In the testimony just taken the applicant's wife is identified with reasonable certainty on the roll of 1880, it being shown that her father was known as Turk Vann or Turk Williams, he having belonged to a Miss Vann, who subsequently married a Mr. Williams; this will be filed as additional testimony in case D-104, and a note of it will be made upon the card.

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

(Signed) M. D. Green

Subscribed and sworn to before me this May 22, 1901.

(Signed) T. B. Needles

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 20th 1901.

SUPPLEMENTAL testimony in the application of George Daniels et al
D. 194.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

FRANCIS DANIELS, sworn as a witness, testified as follows on the
part of the applicant—Before Com'r Breckinridge:

- Q What is your name? A. Francis Daniels
Q How old are you? A. 40.
Q What is your post office? A. Spavinaw.
Q In what district do you live? A. Saline.
Q It appears that application was made for you the other day by
your husband, George Daniels, and you could not then be identified on the
roll of 1880, neither could your mother be identified on the roll? A.
My mother is on it.
Q What is your mothers name? A. Mintie Vann Barlow now.
Q How old is your mother? A. About 60.
Q Are you her oldest child? A., Yes sir.
Q How long has she been called Barlow? A I cant tell how many years.
Q What was her name before it was Barlow? A. Minite Vann
Q You say your mother is on the 1880 roll, under what name is she on that
roll? A. Vann.
Q What is your fathers name? A. Turk Vann, he is dead.
Q How long since he died? A. 5 or 6 years.
Q Did your father and mother live together till he died? A. No sir.
Q Your mother Mintie Vann had a lot of children in 1880? A. Yes sir.
Q You were about 20 years of age then? A. Yes sir.
Q Were you married then? A. No sir.
Q Were you with your mother then? A. Yes sir, but I was not enrolled
with her.
Q Why not? A. Then I was working out and when the sensus takers come
to mothers and took the names she gave in mine and they said that as I
was working out I was my own head and had to enroll for myself.
Q Give me the names of the children who were with her and younger than
you at that time? A. Emma, and George Vann.

The 1880 roll examined and the mother of witness identified
as follows:

Page 332, No. 2794, Minta Vann, Delaware district.
Page 332, No. 2795, Georgia Vann, Delaware district.
Page 332, No. 2796, Emma Vann, Delaware district.

- Q One of these children is dead is it not? A. Yes sir Emma.
Q Did they ever call your mother Mirtie? A. No sir just Mintie.
Q Did you live with your mother all the time up to the time you got
married? A. Yes sir.
Q When she went out during the war and then came back, were you with her?
A Yes sir.
Q You were just a child then? A. Yes sir.

By Com'r Breckinridge—

In this testimony the applicant's mother is iden-
tified on the roll of 1880. It appears that the applicant's mother
and father had separated at that time and they were in different
districts and the mother was not identified when the first search
of the rolls was made. Her mother is found to have been enrolled
on Straight card Cherokee Freedman #789. There appears no oc-
casion to doubt that the applicant returned to the Cherokee Nation
with her mother, and she states that she has continued to live
in the Cherokee Nation ever since the close of the war. Her deceased
half sister, Emma, who is dead,

- Q Emma was your sister was she? A. Yes sir my half sister.
Q Did you both have the same mother? A. Yes sir.
Q And George is also your half bro her? A. Yes sir.

Geor. Daniels 2.

(Judgment continued)

is identified on the roll of 1880 and also her half brother George, who has been enrolled. The applicant states that they all three had the same mother. The applicant explains that her ~~name~~ being omitted from the roll of 1880 was because of her working out at that time, and that her mother said that she was of age and that for that reason the census takers would not take her enrollment from her mother, but stated that she would have to enroll herself, and that she overlooked or neglected to have herself enrolled. This appears to be a reasonable statement of the case and this testimony will be filed as supplemental in the case of Cherokee Freedman Doubtful # 194, and attention will be called to it on the Card.

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

Subscribed and sworn to before me this the 24th of May, 1901.
at Vinita, I. T.

Chas von Weise
W. McKinzie

Commissioner.

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9. 2. 1904

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1901

[Handwritten signature]
A. M. GARDNER

NOTICE!

IN THE MATTER OF The application of _____
for enrollment as a Cherokee Freedman

Case No. F. D. 104

To _____

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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of _____
Indian Territory, on the following dates, to-wit: _____ at 8 o'clock A. M.
A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____
_____ 1901.

Attorneys for the Cherokee Nation.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO PROMOTE CIVILIZATION
MAY 15 1901

[Handwritten signature]
ACTING

COMMISSIONERS
HENRY I. DAWES
JAMES HIXBY
THOMAS H. NEEDLES
C. K. BREVINTON

ALLEN L. AVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Winta D. S. Oct 20 1911

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
George Daniels et al for enrollment as
Freedmen of the Cherokee Nation.

No.

2011

J. P. Bledsoe
right for approval

File with case of George Daniels, C.F.-D.#194.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 24th, 1901.

In the matter of the application of Sadie Ives for the enrollment of herself and three children as Cherokee Freedmen; said Ives being sworn and examined by Commissioner Needles, testified as follows:

APPEARANCES:

Mellette & Smith, Attorneys for Applicant;
Mr. L. B. Bell, of Counsel for Cherokee Nation.

Examination by Mr. Smith, of Counsel for Applicants:

- Q What is your name? A Sadie Ives.
Q How old are you? A About 34.
Q Where do you live? A I live here in Vinita.
Q How long have you lived in Vinita? A I have been here off and on for five or six years.
Q Have you any brothers and sisters? A Yes, sir.
Q What are their names? A Nettie.
Q Nettie what? A George.
Q Nettie what? A Nettie Hill and George Hill and Thad Hill and Amandy Hill.
Q What was your mother's name? A Angeline
Q What was your father's name? A Watis.
Q Well, Watis what? A Watis Hill.
Q Where were you the 1st day of July, 1901, when your brother applied for enrollment? A I was here in Vinita.
Q Why didn't you go to Nowata and apply the same time he did?
A I was here at work and I could not get off very handily and I thought I would wait until they come here.
Q You know whether you are on the Wallace roll or not?
A Yes, sir.
Q What was your name? A Sadie Ives.
Q Was it Sadie Ives then? A Yes, sir.
Wallace Roll of Cherokee Freedmen examined and name of applicant found thereon, page 118, #2496, Sadie Ives, Delaware district.
1880 Authenticated roll, 1896 census roll and Kern-Clifton Pay roll of Cherokee Freedmen examined and names of applicants not found thereon.
Q Where were you living when you can first remember? A On Grand river.
Q Who were you living with? A My father.
Q Do you remember your mother at all? A Not hardly.
Q Of course you don't know yourself anything your about mother and father's history before and during the war? A No, sir.
MR. BELL: What was your mother's name before she married Hill?
A Angeline watis.
Q Is she dead? A Yes, sir.
Q Do you know who she belonged to or you are too young to know that?
A I always heard it said that she belonged to Stand Watis.
Q Where were you born at? A I don't know, sir, I can't tell.
Q Well, you are 34 years old; do you know where your mother was during the war? A No, sir.
Q Never heard her say? A No, sir, I don't remember.
Q You don't remember your mother? A No, sir.
Q Well, how old do you hear you was when your mother died?
A I was about 14; I guess I was about 13.
Q 13 years old? A Yes, sir.
Q Whereabouts on Grand river were you living when you can first recollect? A I was living on Katie's place a while, I lived in

Seven Mile bottom.

- Q You lived where? A On the stand watie place.
Q Where was that? A That was up close to Carey's place.
Q Who was living there then? A My father and mother.
Q Well, now, you say you was so little you don't recollect your mother? A Well, I said I could not recollect that far back.
Q You recollect when she was living with your father?
A Yes, sir. Most any little child can recollect that.
Q You recollect where you were living at? (No response.)
Q Now, where did she die? A She died at George Landrums.
Q Where was that? A That was on the river, in Seven Mile bottom.
Q Well, that was after you lived on the stand watie place? A Yes, sir.
Q Now, which side of the river was that stand watie place you lived?
A I don't know.
Q You don't know which side of the river? A No, sir.
Q You was 13 years old? A No, sir, I saw I was 13 years old when she died.
Q How old was you when you lived at the stand watie place?
A I don't remember just exactly how old I was when I lived there.
Q You don't recollect on which side of the river it was on?
A It was on this side I reckon.
Q Well, you moved from there to George Landrum's did you?
A I don't know, sir; I suppose we moved to George Landrum's place, I can't hardly recollect just what place we moved on.
Q How long did you live with George Landrum? A I never did live there.
Q You never did live there? A No, sir.
Q You wasn't living there when your mother died there?
A No, sir.
Q What was she doing there? A She took the smallpox.
Q Where was you at that time? A I was at home.
Q Where was your home? A On Simon Landrum's farm.
Q Where was that? A That was right there in the river bottom.
Q What part of the river, whereabouts on the river? A At Landrum's Ferry, I don't know what part you call it.
Q On which side of the river were you living then? A On the other side.
Q Well, where did you go from Simon Landrum's? A Where did I go from Simon's?
Q Yes, you said you have been living there? A I didn't say Simon Landrum, I said Simon Lynch.
Q Well, where did you go from Simon Lynch's? A I went to the other Simon Lynch place.
Q How long did you stay at the first Simon Lynch place? A I don't know, I can't remember; I never paid any attention.
Q Well, you had got to be over 13 years old up to something, it looks like you got old enough to recollect something? (No response.)
Q Well, how long did you live at the second Simon Lynch place you went to? A Three or four years.
Q Well, now, you have got up to about 20 years old; where have you been living for the last 14 years? A I have been living here, at Vinita and Lightning creek and Nowata.
Q Well, now, you say you have been living here off and on for five or six years? A Yes, sir.
Q Well, now, five or six years ago before you came here where were you living? A I was on the river I guess.
Q You didn't live with your father did you? A Sometimes I did and sometimes I was working out.
Q Well, where was your father living when you were living with him?
A Sometimes he was living on Uncle Simon's place.
Q Where is he now? A He is out on Lightning.

- Q What did you say his name was? A Watis Hill.
- Q How long has he been living on Lighting Creek? A I don't know sir exactly how long; don't know just when he went out there.
- Q You don't know but very little about him do you?
- A No, sir, I just see him now and then since I got grown.
- Q Well, you count yourself been grown about ~~20~~ 20 years haven't you? A I don't know exactly how long.
- Q Have you got any other brothers or sisters that haven't come up to be enrolled? A Yes, sir, George.
- Q There is some more besides you and this one here? A Yes, sir, there is one more.
- Q How long did you ever live in Kansas? A I don't remember nothing about Kansas.
- Q Well, that ain't answering the question, I asked you how long you ever lived in Kansas? A I ain't never lived in Kansas I recollect of.
- Q Where you say is the first place you ever recollect of being?
- A On stand watie's place, Sallie Watie.
- Q How long did you stay there? A I don't remember just how long I stayed there.
- Q One or two years, three or four? A I don't know.
- Q You don't know whether you stayed there one year do you?
- A Yes, sir, I knowed I stayed there.
- Q What is the reason you di dn't have your father here for a witness he ought to know more about you than you would yourself or most anybody else; why didn't you bring him? A I don't think I need him, don't know as I did need him.
- COM'R NEEDLES: You apply to be enrolled as a Cherokee Freedman?
- A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Yes, sir.
- Q Who? A I have three children.
- Q Give me the names of your children? A Addie.
- Q Addie what? A Ives.
- Q How old is she? A She is 15 years old.
- Q The name of the next child? A Nathan.
- Q Nathan Ives? A Yes, sir.
- Q How old is he? A He is 13.
- Q The name of the next one? A Henry.
- Q How old is he? A 12.
- Q Are these children all living at this time? A Yes, sir.
- Q Living with you? A No, sir, they are living on the river.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A I ain't married now, I am a widow now.
- Q Were you ever married? A Yes, sir.
- Q What was your husband's name? A Ben Ives.
- Q Is he living? A No, sir.
- Q Dead? A Yes, sir.
- Q Where were these children born? A On Grand river.
- Q Cherokee Nation? A Yes, sir.
- Q Have they lived in the Cherokee Nation all their lives?
- A Yes, sir.
- Q Did you ever draw any money for these children? A No, sir.
- Q Didn't draw what is known as Kern-Clifton money?
- A The children drawed the Kern money I never; at that time they was living with a family and they was put down as Daniels with the family. That girl never did draw any money but the boys did; the boys was on the river with this man.

Com'r Needles: The records of this commission show that George Daniels on D-194, listed for enrollment Nathan and Henry Daniels, whom he avers are the children of Sadie Ives.

- Q You say this girl never drew any money at all? A No, sir.
- Q Did she ever go by any other name? A No, sir, I never did enroll her but once.
- Q Where is she living? A Living here in town.
- Q Living with you? A Yes, sir.
- Q Who raised her? A Gus Buffington.
- Q Is he a colored man? A Yes, sir.
- Q Might have he enrolled her? A No, sir, he says he didn't.
- Q Were you ever married to George Daniels? A No, sir.
- Q He says these children are his? A They are my children, I let him take them to raise them.
- MR. SMITH: Sadie, how many children had you have, just these three? A I just got these three living.
- Q Well, how long has George Daniels had Nathan and Henry?
- A He took one when it was four years old and the other one when it was five.
- Q Is he related to you in any way? A No, sir.
- Q Well, in what way, now, did you let him have these children how did he come to have them? A I let him have them to take them and raise them until they was men.
- Q You gave them to him to raise until they became men? A Yes, sir.
- Q Well, he adopted them didn't he? A I suppose so.
- Q And you gave them to him? A Yes, sir.
- Q And kept the oldest one? A Yes, sir.
- Q Kept the girl? A Yes, sir.
- Q And let him have the two boys? A Yes, sir, and I didn't know he had enrolled them, I just sent for them to be enrolled with him as with me it don't make any difference to me.
- Q The truth of the matter is you gave those two children to him? A Yes, sir.
- Q Gave them to him to raise? A Yes, sir.
- COM'R NEEDLES: Who is this third child living with?
- A She is working out, she was living with Gus Buffington.
- MR. SMITH: Where does this George Daniels live that has got your children? A He lives on the river.
- Q What is his post office? A Spavinaw.
- Q About how old is he? A I don't know, sir, just exactly how old he is.
- Q When you say you lived back and forth in Vinita and speak of the river what do you mean by the river? A Talking about Grand river.
- Q At what place, how far from Vinita is the neighborhood that you live? A About 25 miles.
- Q Is that in the Cherokee Nation? A Yes, sir.
- Q Now, when you talk of Lightning what do you mean by that?
- A I meant Lightning creek.
- Q Where is that? A That is west of here.
- Q In the Cherokee nation? A Yes, sir.
- MR. BELL: When was you married? A Well, sir, I don't know what year I was married.
- Q Where is your husband? A He is dead.
- Q How long has he been dead? A He has been dead ever since the Smallpox, I don't know how long.
- Q Well, ever since the Smallpox, where was that Smallpox at?
- A It was on Grand river.
- Q Well, it has been about the n, about 18 or 19 years since?
- A I don't know how many years it has been.
- Q Where was that Smallpox at, what part of Grand river? A We call it seven Mile bottom at that time.
- Q Was it out there about Gus Buffington's? A Yes, sir, it was on this side of Gus Buffington's.

- Q Well, is that on Island Ford, about them Beans and around in there? A Yes, sir.
- Q Was it over about Simon Lynch's and across there? A Yes, sir.
- Q That is when your husband died was it? A Yes, sir.
- Q When they had that smallpox in that country just named? A Yes, sir.
- Q Did he die of the Smallpox? A Yes, sir, I suppose he did, they told me he died of the Smallpox I ~~didn't~~ wasn't there.
- Q Where were you, didn't you live with him? A He was in the hospital I suppose, and I was at Simon Lynch's.
- Q How long had you been married when your husband died? A About two or three years I guess, I reckon about that, I never dated nothing like that, I never paid any attention to nothing like that.
- Q Well, where were you and your husband living when the Smallpox got him, or he took the Smallpox? A I was at Uncle Simon Lynch's to Simon Lynch's.
- Q You was married then when you went to Simon Lynch's the first time, wasn't you? A No, sir.
- Q Well, then, when did you marry? A Married after I went there.
- Q How long after you went there? A Oh, I can't remember, I reckon something over two years after I come there.
- Q Now your husband died in this smallpox epidemic, how old is your oldest child? A 15.
- Q That child then was born four years after he died was it? A I don't know.
- Q Well, that is the way it goes, that is the way you are telling it? A I don't know whether it was born four years or not.
- Q Was it born after he died? A Yes, sir, it was born after he died.
- Q Was the next one born after he died? (No response.)
- Q Well, answer the question? A You can count better than I can, you ought to know.
- Q Now, as a matter of fact was you ever married to that fellow Ives? A I was married to him I reckon.
- Q You and him didn't have any children did you? A No, sir, we didn't.
- Q Well, whose children are these that you are appearing for? A They are mine but I put them down in the name of Ives; I suppose the child has the name its mother has.
- Q Have you ever been married since Ives died? A Never been married since Ives died.
- Q About how old was you when you married Ives? A I don't know.
- Q You thought you was about grown didn't you? A I don't know exactly how old I was, didn't have anybody to teach me how old I was.
- Q Now, I will get back, about how old was you when you got on that Watie place, you was a grown woman? A No, sir, I wasn't a ny woman when I went on that place.
- Q How long did you live there? A I don't know.
- Q Did you make one crop three or two? A I can't tell you about that.
- Q Who was you living with when you went on the watie place? A I was living with my mother and father.
- Q Was you living with them when you moved on Simon Lynch's place the first time? A Yes, sir.
- Q How long did you live there before you was married? A I told you some two or three years after we moved there, as near as I could remember, I never paid no attention.
- Q And these children that you are claiming here are not Ives' children, but they are born since? A Yes, sir.
- MR. SMITH: Were all of these born since Ives died? A Yes, sir.

Q Then who is the father of these last two? A Said to be George Daniels.

Q And that is the reason George has got them? A Yes, sir.

MR. BELL: You said a while ago they was not his?

A I said they went in his name, but they always go in my name if I am going to do anything; I didn't know George Daniels enrolled them.

COMMISSIONER NEEDLES: Were you ever married to George Daniels?

A No, sir.

Q Who is the father of Addie Ives? A Her daddy's named Tom Parker.

Q Who? A Tom Eaton.

Q Is he living? A Yes, sir.

Q Is he a Freedman? A Yes, sir.

Q Has he got ~~child~~ child with him? A No, sir.

Q Ever have it with him? A No, sir.

Q You say now you never drew any money for Addie? A No, sir.

Q On none of the rolls? A No, sir.

Q You never give Addie to anybody? A No, sir.

Q Always kept her yourself? A Yes, sir.

MR. BELL: I thought you said Buffington had her?

A She lived with Buffington, lived in his family.

AMY BEAN, being duly sworn by Commissioner Needles, testified as follows on part of applicants:

MR. SMITH: State your name? A Amy Bean.

Q How old are you? A 45.

Q Do you know this applicant, Saide Ives? A Yes, sir.

Q How long have you known her? A I have known her ever since '82 or '83, somewheres along in there.

Q Has she got any brothers or sisters? A Yes, sir.

Q What are their names? A George, Thas, Nettie and Amanda and Sadie.

Q Amanda What? A Amanda Hill.

Q Thaddeus Hill? A Yes, sir, unless they changed it.

Q All named Hill except Sadie? A I don't know whether Nettie goes by the name of Hill now or not; she did go by the name.

Q Where did you first know them? A First got acquainted with them on Grand river, first got acquainted with her mother here at Vinita.

Q What was her mother's name? A Angeline.

Q Angeline Hill? A Yes, sir.

Q Did you ever know their father? A Yes, sir.

Q What was his name? A Watis, that is what we all called him.

Q Did you ever know them at any place except Vinita, you say you first met them on Grand river? A On Grand river and Lightning creek and first one place and then another.

Q When did you see them on grand river? A Family, about '83, I guess.

Q And they lived on Lightning creek a while? A The children, I don't know where the old man is; he may be out there, these girls have been out there and stayed a while.

Q Where do you live? A I live on Grand river.

Q What is your post office? A Vinita.

Q How long have you lived there? A I moved up on Grand river in '66 and I lived there quite a while and I lived here in Vinita about ten or fifteen years.

Q And then did you go back to the same place? A No, sir, went back on Grand river but not on the same place I lived on, close to the same place, I have been living there about five years altogether.

Q That was your first acquaintance with the mother of these children and these children, was about '82 or '83 here in Vinita? A

Yes, sir.

(Mr. Bell waives examination.)

MOSE RILEY, being duly sworn by Commissioner Needles, testified as follows on part of applicants:

MR. SMITH: State your name? A Mose Riley.

Q How old are you? A About 51 or 2.

Q What is your post office? A Chelsea.

Q How long have you lived at Chelsea? A 21 or 2 years.

Q Do you know this applicant, Sadie Ives? A I don't know as I know her by that name.

Q What name do you know her by? A Sadie Hill.

Q That is the woman right here? A Yes, sir.

Q You know her do you? A Yes, sir.

Q Do you know her brothers and sisters? A Yes, sir.

Q What are their names? A One of them is named George and one named Thad and Nettie.

Q Nettie Hill? A Yes, sir; and Wandy Hill.

Q That is Nettie that is sitting there by her? A Yes, sir.

Q Did you know the mother of these children? A Yes, sir, I knew her all right, maybe I can think of her name.

Q Did you know the father? A Yes, sir, Watis was their father.

Q Watis Hill? A Yes, sir.

Q When did you first get acquainted with him? A On Grand river in, as well as-

Q About how long ago? A I don't know, sir, about how long ago it was, I was a boy, now I am 51 or 2 years old.

Q Well, was it before or after the war? A After the war.

Q Do you know how long after the war? A No, sir, I don't know exactly how long it was, I can't tell; I was just a lad of a boy; Angeline was their mother.

Q Was the mother of these children? A Yes, sir.

Q At what different points in the Cherokee Nation did you know them to live, if you ever knew them except on that point you spoke of?

A The first place I knew them was at Uncle George Landrum's and their ma was sick then in Saline, about a quarter of a mile south of Simon Lynch's by the lake there, in the Cherokee Nation.

Q There were these children? A They were all there with their mother, five or them.

Q You can't recollect just how long ago that has been?

A No, sir, I don't know just exactly how long ago it has been.

MR. BELL: Well, Mose, at the time the mother was sick there

did she die at that sickness? A I don't know whether she died at that sickness or not, I was working about a mile from there, she didn't die right there right then, but she died afterwards, I can't say that she died there.

Q Did she die there during that smallpox epidemic or she die there at that time? A I am not sure about that; I had come home then she died.

Q Well, do you recollect enough about it to know whether it was before of after the smallpox? A I don't recollect enough to say.

Q You recollect about the smallpox? A Yes, sir; and then they would not allow us to go over there; I was over away south of Blue Fider's.

Q You don't know then when this Angeline died? A No, sir, I know she died but I don't know exactly what time.

Q You can't fix the year when you saw these people there at Simon's that is, that woman was sick? A No, sir, could not state positively the year for I don't know.

Q Well, you saw this woman there did you? A Yes, sir, saw all of the, the five children.

Q No. Big was she then? A Oh, all of them was small.

Q Well, about how old do you think she was, about what size was she?

A Well, Col., I could not tell you, I have no idea.

Q You wasn't a married man at that time? A No, sir.

Q She was not old enough to catch your eye? A She had my eyes at

- that time
- Q She was a grown woman? A She was a lad of a girl.
- Q Did you know her later on, after that? A Oh, I have seen her I can't number the times I have seen her.
- Q Do you know anything about her having married a man by the name of Reeves? A No, sir, I don't.
- Q Did you ever see her up on the river at the Marie plantation and know anything about her living there above there 15 or 16 miles?
- Q I don't know whether that was the Reuben Daniel place or not, I saw them living there.
- Q You don't know where that Marie farm is? A No, sir.
- Q You don't know which side of the river it is on? (No response.)
- Q Well, after that woman died, their mother, Angeline, when you see them next? A I don't know, sir, just exactly when I did see them, I saw them off and on when I was over there.
- Q That was when you was out working over there? A Yes, sir, I made a crop right there where they was.
- Q You saw them off and on during the making of that crop?
- Q No, sir, the father taken their mother away, he taken her to his house, the time I saw him was at the Reuben Daniels place.
- Q That was up the river? A Yes, sir.
- Q Only a half mile? A I don't know many miles it was.
- Q Well, you have traveled it? A Yes, sir.
- Q Well, did it take you a few hours to make the trip?
- Q No, sir, I would make it pretty quick sometimes.
- Q Well, about how far was it? A I could not tell you.
- Q This was a small girl at that time? A Yes, sir.
- Q Which was the oldest of that crowd? A I don't know, sir, whether this is the oldest one or not, I could not tell you because I never did ask.
- Q How long was it after you made that crop there was it until you saw them at Reuben Daniels? A Oh, it was right smart bit, I had went out to work and come back again.
- Q It was the same year? A Well, in corn gathering time.
- Q It was the same year? A Yes, sir, and I never see them all then.
- Q Then after that when did you see them next? A I can't tell you just exactly where I did see them, I saw them off and on all the time and I can't state just the place.
- Q Well, were they living all this while with their father and mother? A Now, I can't say as to whether they stayed all the time with their mother, they did I think while their mother lived, but after she died I don't think the children stayed at home, I don't think but they might have.
- Q Well, your recollection is Angeline died a short while after you saw her there at Simons? A Well, it was a right smart little bit because she lingered a right smart while before she died.
- Q Well, I mean in the same year? A I don't recollect
- Q Well, you saw her husband over there about his place?
- Q Yes, sir.
- Q Where was that? A That was across the river.
- Q Across the river where? A Across the river from Uncle George.
- Q There in the five mile bottom? A Somewheres along there, yes, sir.
- Q Well, you went to the house did you? A No, sir.
- Q Well, then you don't know that they lived there? A I have been to their sister's house and she said they lived there.
- Q When you saw them at Reuben Daniels was the mother living then?
- Q No, sir.
- Q She was dead? A Yes, sir.
- Q Well, now, you don't know a great deal about these folks do you?
- Q No, sir.
- Q What you have told here is all you know? A Yes, sir.

Com'r Needles: Sadie Ives applies for the enrollment of herself and three children, Addie Ives, Nathan Ives and Henry Ives. She cannot be identified upon the census roll of 1866 or authenticated roll of 1880, but is identified upon the all-lace roll according to the page and number of the roll as indicated in the testimony. The testimony in her case develops the fact that her two children, Nathan and Henry, have been listed for enrollment by one George Daniels on D-134, consequently her application for the enrollment of those two children is withdrawn. The said Addie Ives, her oldest child, cannot be identified upon any of the rolls of the Cherokee Nation. She avers in the testimony that she never drew money for said child, consequently Sadie Ives and her child, Addie, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. It will be necessary for her to make satisfactory proof of the birth of said Addie, whose name not appearing upon any of the rolls.

Reference is made to the testimony taken in the matter of the enrollment of her brother, Thaddeus Hill on D-985, and a copy of said testimony will be made part of the record in the case at bar.

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J. O. Fosson, 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. Fosson

Subscribed and sworn to before me this November 12th, 1901.

[Signature]

Commissioner.

Supl. C.F.-D.#194.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 24th, 1901.

SUPPLEMENTAL STATEMENT in the matter of the application of George Daniels for the enrollment of children, NATHAN and HENRY, Cherokee Freedman doubtful card #194.

Commissioner Needles:

It appears that said George Daniels and his two averred children, Nathan and Henry, are listed for enrollment upon D #194. By reference to the testimony taken in his case it will be found that he held out to the Commission the impression that Nathan and Henry were his children. The testimony taken in the case of Sadie Ives, D.#1086, develops the fact that said Nathan and Henry are the children of the said Sadie Ives and illegitimate children of said George Daniels, which fact the said George Daniels in his testimony evidently concealed; consequently the rights of said Nathan and Henry Ives, whom the said George Daniels listed for enrollment as Nathan and George Daniels, will depend entirely upon the rights of their mother, Sadie Ives; she averring that they are her children and they are illegitimate, and she avers that George Daniels was the father of the same. This will be filed in the matter of the enrollment of George Daniels, D-194:

In order that the Commission may arrive at a conclusion of the rights of Nathan and Henry Ives, who have been enrolled as Nathan and Henry Daniels on D-194, reference will have to be made to the testimony taken in the case of Saide Ives, who was enrolled on D-1086.

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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 above statement and the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 31st, 1901.

[Handwritten Signature]

Commissioner.

SUPPLEMENTAL: C.F. D-194, George Daniels, et al.

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

In the matter of the application of George Daniels et al for
enrollment as Cherokee Freedmen.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:

L. B. Bell, Esq., of Attorneys for Cherokee Nation.
U. P. Bledsoe, Esq., Agent for the applicants.

W. CLARK, being sworn and examined by Commissioner Breckin-
ridge, testified as follows:

Q Give your full name? A G. W. Clark.

Q How old are you? A 58.

Q What is your post-office? A Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

BY MR. BELL:

Q This is the case of George Daniels, a Freedman, claiming rights
as a Cherokee under the treaty of 1866; his home is in Saline Dis-
trict; are you acquainted with one George Daniels? A Yes sir.

Q He was a grand-son of old man Griffin Daniels? A Yes sir.

Q About when did you first see him? A I rather think it was about
the fall of '68, or maybe '67; he was just a boy like.

Q Where was that at? A It was at my place, right joining my place.

Q What district? A In Delaware at that time.

Q Was it over in what they call the Six Mile Bottom? A Yes sir.

Q Now where was this boy's home at the time you first saw him?

A He stopped there with his grandfather, Griffin and his grand-
mother.

Q Old man Griffin Daniels? A Yes sir.

Q Where did old man Griffin live? A He lived the latter part of
the war in a little house right down in the prairie, about two or
quarters of a mile from me, on the edge of the prairie, down to-
wards the old Jess Cochran place.

Q Was you acquainted with one Simon Lynch, a Freedman? A Yes sir.

Q Where did he live in '66, or do you know? A He lived on Cabin
Creek, right above the old military crossing; little house up there
what we called the Swimmer place.

Q When did Simon, if he did move, move into Saline District?

A He must have moved into Saline District in the spring of '67.

Q That's where he lives now is it? A That's where he lives now,
in the fall of '66 he moved from Cabin Creek place he went to Six
Mile Bottom to a place not far from old man McCrary, there's a
little house right across the branch and I let him live in there
all the winter and then he moved right across the river and the
old man stayed in this same house on the edge of the prairie until
the latter part of that fall, and then he went over the river and
made a house close to Simon in Saline District.

Q Are you acquainted with one William H. Foreman? A Yes sir.

Q Who lived on Lynch's prairie in '66 or '77? A Yes sir. He lived
on Lynch's Prairie in the spring of '66.; he was married to my
wife's sister in the winter and run a little store on the edge of
the prairie, him and my brother-in-law together, Henry Schaper.

Q Were you about there any? A Very frequently there, because his
wife was my wife's sister, and we went over there often and they
run a little store and stores was very scarce, and in fact I let
them have a saddle horse to gather a bunch of wild cattle there.

Q During that spring of '66 did he have this boy, this George Dan

fields breaking new ground for him? A No sir, he wasn't up in that part of the country then.

Q You are well acquainted with this boy George are you? A Yes sir, I know him from the time they brought him up there; that is the reason I differ with them about the time they brought him there; I don't think they brought him there until '68, because I had a sister that got away from us during the war and she was down in Flint District close to Red Watt Adair close to Honey Springs, and I went down there after my sister and I went by Woodall's and stopped there and taken dinner, and these children was there then, this boy; that's a long time for remembrance but that's my remembrance of it.

Q What year was that you say you went down? A '67, fall of '67.

Q You say then that Foreman ~~was this boy~~ didn't have this boy hired breaking prairie? A No that boy wasn't up in that part of the country.

Q Was he old enough or not to drive a team and break prairie? A No sir, he wasn't old enough to plow with a single plow I don't think.

Q Did old man Griffin finally move across the river? A He moved across the river in the fall after Simon moved across in the spring and erected a little house about a quarter of a mile from his son. The old man lived there until he got so feeble, and he is dead now; I think he died at Simon's

BY MR. BIEDSOE:

Q Do you know who the father and mother of George was? A No sir.

Q You don't know whether they were alive or dead when you saw him in '67? A No, I don't know.; I think Mr. Woodall had this one and another one there.

Q Do you know whether they were slaves of Cherokee citizens at the commencement of the war? A I think they belonged to Miss Woodall she was Bob Daniel's sister.

Q First time you saw this boy was in '67? A I think it was '67, fall of '67.

Q How old was he at that time? A He was just a chunk of a boy.

Q 8 or 10 years old? A He didn't look to be more than about 7 years old, or 8.

Q Living with his grandfather? A No, I first saw him at Mr. Woodall's, and I think I brought the word back; you see Mrs. Woodall, she was all well acquainted, and she found out I lived right close to her brother, he lived on one side of the river and I lived on the other, and I think they told me to tell these old folks that they brought that boy, or had him.

Q They had brought him back there? A Yes sir, didn't come, they brought him back, I don't know.

Q He was mistaken about this boy's doing work for him, because he wasn't old enough? A No sir, he wasn't old enough.

Q Do you recollect seeing this boy since that time? A Yes sir. He has lived in that vicinity ever since; I have had him to work for me.

Q Has he been recognized as a citizen? A I don't know; I moved out of the district about the time he got able to go to the polls, and I really don't know.

Q Do you know anything about him conducting a mercantile business and for some time back, in the Cherokee Nation? A Yes sir.

Q He is recognized as a Cherokee citizen in that matter? A Oh yes, he is right there doing business there.

MR. BELL: I object to that, on the ground that it calls for an opinion, from Mr. Clark, and he aint here to state that, he is here to state facts.

BY MR. BELL:

Q Now you know there are hundreds of people doing business in the Cherokee Nation that are not recognized as citizens? A It seems to be a pretty squabble; they all do it that want to; they used to not do it, to let nobody run it but citizens, but it has changed now and any fellow that wants to comes in and sets up.

George Daniels et al (sup'1) 3

Commissioner Breckinridge: This will be filed as supplemental testimony in the case of George Daniels et al., Cherokee Freedmen, D-194, and also in Cherokee Freedmen doubtful cases, 218, 219, and 789.

(Also filed in D1086.)

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 November 9th, 1901.



Commissioner.

To be filed with Cher. Fr. D-194.

Testimony of Tobe Bean, in the matter of the application for the enrollment of Fannie Hight, taken at Vinita, I. T., September 21, 1903, Cherokee Freedman D-207.

TOBE BEAN, being first duly sworn, and being examined, testified as follows:

- BY COMMISSION: What is your name? A Tobe Bean.
Q How old are you? A Must be about sixty-seven years old, I guess.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Are you acquainted with the applicant in this case, Fannie Hight?
A Yes sir.
Q How long have you known her? A Ever since she was a small girl.
Q Did you know her before the war? A Yes sir.
Q Where did she go during the war? A Went to Kansas.
Q Who did she return with? A Me.
Q When? A In '66.
Q What time of the year? A Before Christmas, sometime in the fall before.
Q Was it after July and before Christmas? A Yes sir, it was after July.
Q Name all the people that came back with you at that time.
A I can't name them all.
Q Name all you can remember.
A Me, Tobe Bean, Joe Bean, Jake Bean, Sandy Bean.
Q Anybody else? A Arch Bean, Fannie Vann, Morgan Bean.
Q Fannie Vann, is that this applicant? A Yes sir.
Q Where did you come to in the Cherokee Nation? A On Grand River.
Q Where did you leave Fannie Vann, or Fannie Hight?
A When she left me I came here to Gibson to her father.
Q How many trips did you make back from Kansas after the war?
A In '66 I made two.
Q When did you make the first one? A In September sometime, I think.
Q When did you come down the second time? A It must have been October, I guess, I just made the trip there and back.
Q Did you come down any more prior to January 19, 1867? Make any more trips after that trip in October and September?
A Yes sir, I made seven trips after that.
Q When was the third trip? A It was a year afterwards, I guess.
Q That was along in the fall of 1867 then, was it? A Yes sir.
Q On which one of these trips did Fannie Hight come with you?
A The second.
Q Do you know where Fannie Hight, or Fannie Vann, was living in 1860? This woman, do you know where she was living? A She must have lived at Fort Gibson. I don't recollect, but she went down there with me.
Q What was her name at that time? A Fannie Vann.
Q Did you know any other Fannie Vann in Illinois District?
A No sir, I didn't.
Q How did she get the name of Vann? A Her father was a Vann, and she went by her father's name.
Q She afterwards married a man by the name of Hight? A Yes sir.
Q Where has she been living since the close of the war?
A Lived at Gibson a while, then lived on Grand River.
Q Has she ever been out of the Cherokee Nation?
A Not as I know of.

MR. HASTINGS: Where was she living in Kansas, Tobe?
A Living in Anderson County.
Q Near what town? A Garnett.
Q How far is Garnett from the Cherokee line? A It must be about 100 miles, I guess.
Q What time do you claim your first trip was down here after the war?
A September.
Q You claim to have been in that Horse Creek fight? A Yes sir.
Q Where was that Horse Creek fight? A On Horse Creek.
Q At whose place? A Close to old man Knight's. I don't know who owns it now.
Q Did you see Bob Knight there at that time? A Never seen him.
Q Did you see anybody? A No sir, the bushwhackers didn't give me any time. I picked up and run. You would have run too if they had been shooting at you. They shot me once in the arm.
Q You were shot in the left arm? A Yes sir.
Q Break your arm? A No sir.
Q Where did you go from there? A Come on down Cabin Creek, on to Spring Creek.
Q Went to Cabin Creek? A Yes sir?
Q Have any women with you on that trip? A Yes sir.
Q Who did you have with you? A One of the women is out there now. Her name is Abbie Shaw, and old man Sanders (?) family.
Q Any other women? A Yes sir, a lot of women? Old Aunt Mary Ausgrove.
Q She was along? A Yes sir, and Sarah Surrell and Susan Bowles.
Q Where did you and the women go, on down to Saline District?
A Yes sir.
Q All of you go to Saline? A Yes sir, but two died, women, and we buried them, buried one on the old convention place there.
Q What two were killed? A Philip Daniels, Jesse Vann and Wes Vann, three of them killed.
Q To whose place did you come, go on in Saline?
A Went to Kate Williams'.
Q How long did you stay there? A Three or four days.
Q Where then? A Over to Dave Vann's place stayed there and then came on to Cabin Creek and stayed about a week at the old Charles Landrum place.
Q Who was living there at that time? A Crap Lynch.
Q Anybody else? A Crap and Art and his mother.
Q Where did you go from there? A Went back to Kansas.
Q Were you in wagons or on horseback? A Wagons.
Q Did you all go back to Kansas? A No sir, all didn't. Me and Jake Bean and George Bean and Martin went back.
Q Horseback? A No sir, in wagons.
Q Who come along with you at the time that Fannie Hight come out, that trip? A Her mother and father and Art.
Q Did Fannie's mother and father come? A No sir, her father was down here all the while.
Q I thought you said her mother and father? A No sir, my mother and father.
Q What was their names? A Rachel Bean and Samuel Bean.
Q When did your wife come? A She came with me that trip.
Q Was Tom Mayfield along that trip? A Yes sir.
Q Old man Tom down here? A Yes sir.
Q Whose place did you stop at when you come along down here on that trip? A Stopped at Crap Lynch's.
Q Did you come by Lewis Kell's place that time.
A No sir, I don't think we did. I think we went the road that turned off before you get there, across the prairie.
Q You don't remember camping there that day?
A No sir, we didn't camp there that day.

Q You are certain that Tom Mayfield was along with you that time?
A No sir, I am not certain. It may have been the third trip.
I wouldn't be certain it was the second one.
Q How long did you stay down here on the second trip?
A Stayed until just about Christmas.
Q Who went back with you when you went to make the third trip?
A Joe Bean and Jake Bean.
Q About the same crowd of fellows? A Yes sir, the same ones.
Q Who came with you on that third trip? A I don't know, a whole lot of us come, I don't know who all was along.
Q Well, was Tom Mayfield along that third trip? A I can't recollect. I believe he was though. I know Columbus Rogers was along.
Q You are not certain when the third trip was, are you?
A No, I know it is some trip. I don't know what trip it was. We went backwards and forwards a number of times.
Q You went backwards and forwards a number of trips since the war?
A Yes sir. I aint been back for a number of years though.
Q You don't know just when it was that Uncle Tom Mayfield came with you? A No sir, I don't remember just what trip it was.
Q Do you remember when you came, of camping by Lewis Kell's place and waiting for the river to run down? A We camped right at the river at the old Charles place.
Q That was when Mayfield came with you? A Yes sir.
Q That wasn't your second trip down here? A No sir, I don't think it was.
Q That was some of those other trips when you brought Tom Mayfield you camped there? A There was always some crowd coming, didn't try to keep account.
Q Did you know Carney Kell? A Yes sir, used to know him.
Q When was the first time you ever saw him after the war?
A I can't tell you exactly when was the last time.
Q When was the first time? When was the first time you ever saw Lewis Kell after the war? A It must have been about '67, I guess, somewheres along there.
Q You say that's the first time you ever saw him?
A The first time I can recollect.
Q In the fall of '67? A I guess it was in the fall.
Q That was the first time you ever recollect seeing Lewis Kell and Carney Kell? A Yes sir, that's the first time I ever recollect seeing them.
Q Was that the time you and Tom Mayfield camped there on the bank of the river, when you first saw him? A Never saw him before that time, it wasn't the first time I saw him, didn't see him then. I don't believe I saw him until in the spring, I camped over there to his place.
Q It was after that, you and Tom came along, that you saw him?
A I don't know whether it was afterwards or before then. Mr. Landrum was living at the Kell place, and Mr. Moore, I think the name was, had a store there the first time I came there.
Q Who did the applicant, Fannie Hight, live with after she came down?
A Lived with me before she came from her father's.
Q How long did she stay with you before she went to her father's?
A About a month, I guess, then I carried her to her father's.
Q How long did she stay with her father before she came back up and lived with you? A I don't know, two or three years, I guess.
Q Had she come back up to your place before the smallpox?
A Yes sir.
Q How long? A Three or four years.
Q Three or four years? A Yes sir.
Q They had the smallpox in 1883, didn't they?
A I don't know when it was, must have been along there.

Q Then she had been at your place three or four years, and for three or four years before that she had been down with her father?

A I don't know how long she had been with her father.

Q You are not very good on dates? A No sir, never had a chance like you. I was a slave and had to work.

Q What year did Wallace make this roll here? A I can't recollect that.

Q What year did you make your first application to the Dawes Commission out here? A I don't know, I have forgotten.

Q When did you apply to the Kern-Clifton Commission?

A It must have been '92, I guess. I don't know, I forgot. I can't keep dates.

Q What year is this? A It must be about 1901, I guess. I don't know good.

Q You don't know? A Not good.

BY COMMISSION: Who were in that Horse Creek fight with you?

A Wes Vann, Cull Daniels, and Jess Vann, we four was together when the men ran on us. There was a whole crowd in the wagons behind us, Sam Vann, Jake Bean, and they came up and began shooting -

Q Name some of those behind you in the same crowd.

A George Vann, Eli Vann, Gilbert Vann, and a young fellow they called Boots, and blind Ellis, he was along.

Q Can you name any more of them? A Jess Shaw, Ibbie Shaw, Patsey Daniels, Phyllis Bean, Lou Bean and Susie Bowles, and a lot of children, I don't know the children's names.

Q Were there any women and children with you at that time?

A Yes sir, behind in the wagons.

Q How long had you all been in the Cherokee Nation at the time that happened? A We were just coming in, had been over the line half a day, I guess.

Q Did some of them go back to Kansas? A Yes sir, I went back, after we come on down here to Spring Creek and stayed there a while.

Q Some of you went into Kansas, and some of you come down here?

A No sir, all come down here and located ~~was~~ down on Spring Creek. Some went as far as Gibson and fooled around and turned around and went back to Kansas. We Bean boys went back, and Lew Martin.

Gilbert and his outfit was located on Spring Creek and stayed there.

MR. HASTINGS: Then this George W. Vann wasn't in this fight at all?

A George Vann, he was right there in the wagons.

Q He was behind with the wagons? A Yes sir, all back with the wagons. They were behind us.

Q You was in the advance, you and Wes Vann, Jess Vann and Phil Daniels. Who else now, was in the advance when the shooting commenced? A We four was together. There was some way ahead of them. I think it was old Aunt Chlora Chouteau.

Q Then the fight was between you four and some parties out there?

A Between us four?

Q Yes, ~~between~~ you four and whoever it was shooting at you? The rest of your crowd was about a quarter behind? A Some men was in the bushes and commenced shooting at us. I never had anything to shoot with. One man had a pistol buckled on, I think, two of them.

Q White men? A White men, Indians or something.

Q Shooting at you? A Yes sir.

Q George Vann wasn't with you in the crowd? A No sir, he was off a little ways. I don't know whether it was a quarter or not. Just coming along like they do travel.

Q He wasn't in the fight with you? A No sir, wasn't any fighting, they rode up and began shooting.

Q The rest of you ran? A I was the only one that ran. The rest of them never had no chance. The rest of them went back to the wagons to get their guns.

Q You elected George Vann captain? A They just called him captain
Q Where did you elect him captain? A They called him captain when
I got in the crowd. I got in the crowd at Fort Scott.
Q He was about sixteen years old, wasn't he? A I don't know how
old he was.
Q He was just a young boy, wasn't he? A Grown man.
Q A whole lot of you older men had been in the army?
A I had never been in the army.

MR. BELL: What time in September was that Horse Creek fight?
A Along pretty early, along towards the first of September.
Q Wasn't it in the last of September? A I think it was along
towards the first.
Q Did you come to Gibson before you went back? A No sir, never
no further than Spring Creek.
Q You stayed there about two weeks? A About a week, I expect.
Q You were two places, one place a week, and how long did you stay
at the other place? A A couple of days.
Q How long did you stay up here before you started again?
A Here on Cabin Creek? About three days. Just come up here on
Cabin Creek, helped Crap gather some corn, and went on to Kansas.
Q Do you know about what month it was when you got back to Fort
Scott? A No sir.
Q How long did you stay up there before you started back?
A About two or three weeks.
Q What is the distance, you think, from Spring Creek? You went to
Garnett? A Yes sir.
Q What is the distance from Spring Creek to Garnett?
A It must be about 150 miles, or something along there.

Wm. Hutchinson, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes, he copied the above
and foregoing, and that same is a true and correct copy of the
original transcript of the evidence of Tobe Bean in this case.

Wm Hutchinson

Subscribed and sworn to before me this 27th day of October, 1903.

Charles O Sawyer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of GEORGE DANIELS, ET AL., as Cherokee Freedmen.

Appearances:

W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation.

Witnesses placed under the rule.

GEORGE DANIELS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A George Daniels.
Q How old are you? A I am about forty some odd years old.
Q What is your post office? A Spavinaw.
Q Were you a slave before the war? A Yes sir, born a slave.
Q Who did you belong to? A Belonged to Tom Woodall, Ann Woodall and Tom Woodall. The estate of Ann Daniel before she married, but after she married it was Ann Woodall.
Q Was Tom Woodall a Cherokee citizen? A Yes sir.
Q You were the slave, then, of Thomas Woodall, at the commencement of the Rebellion, were you? A Yes sir.
Q Where did you live at that time? A In Goingsnake District, about five miles west of Cincinnati.
Q What was Mrs. Woodall's name before she married Tom Woodall?
A Ann Daniels.
Q Was she a Cherokee citizen? A Yes sir.
Q How long have you lived in the Cherokee Nation since the war?
A Ever since I come back from the south, that's about forty years.
Q When did you come back? A From the south?
Q Yes. A We come back in Goingsnake in '65.
Q Have you lived continuously in the Cherokee Nation since '65?
A Yes sir.
Q About when were you and your wife married? A My wife I got now?
Q Yes? A It has been about eighteen years.
Q How long did you know her before you married her? A I knowed her about a year or two, maybe.
Q You don't know when she came back to the Cherokee Nation after the war? A No sir.
Q Are your children, Nathan and Henry both living? A Yes sir.
Q Have they lived in the Cherokee Nation all their lives?
A Yes sir.

MR. HASTINGS: You were born about the first year of the war, weren't you George? A No sir.
Q How old are you now? A I am forty some odd years old.
Q About some odd? About how many some odd? A I am about some odd, something like forty-eight or -nine.
Q You gave your ~~some~~ age when you was before the Commission in 1901 as forty, didn't you? A I am forty some odd, I said.
Q Do you remember before the war? A Yes sir.
Q Old enough to remember then? A I remember a little before the war. I remember seeing the soldiers when they came through.
Q You remember during the war, do you? A Yes sir.
Q Do you remember coming back yourself? A Yes sir, I did.
Q Why did you? A Because I had to walk, and drove a hog from there home.

Q Do you remember what year it was? A I remember what they told me
Q What did they tell you? A Yes sir, and I have asked people
since, and they told me about what it was. I know when I was coming
from Fort Smith there was a man riding back and forth, and I asked
a question, I saw him riding just so far, and they told me he was
guarding the city.

Q Was the war over then? A Yes sir.

Q How long had the war been over? A I could 't tell you how long
it had been over.

Q How many years? A I couldn't tell you. It hadn't been over
long.

Q What time of the year was it you came back? A In the fall.

Q Who was along with you when you came back? A The people that
taken me, my owners.

Q I want to know who they were? A There was Ann Woodall, Jake
Woodall, and Ike Woodall and his wife, Mary Woodall. There was
two or three families of them together.

Q You have only known your wife a short time before you and she
were married? A Yes sir.

MINTY BARLOW, being first duly sworn, testified as follows on
behalf of applicants:

BY COMMISSION: State your name? A Minty Barlow.

Q How old are you? A I can't tell you, I am pretty old, an Old
Settler.

Q Were you born sometime before the war? A Yes sir.

Q What is your post office? A Ketchum.

Q Did you know George Daniels before the war? A No sir.

Q You don't know who he belonged to then? A No sir.

Q How long have you known Frances Daniels? A Been knowing her all
my life.

Q Did you know her before the war? A Yes sir.

Q Who did she belong to before the war? A Elizabeth Vann, used to
be Elizabeth Rowe.

Q Was Elizabeth Rowe a Cherokee citizen? A Yes sir.

Q Did Frances Daniels belong to her at the commencement of the war?
A Yes sir, we all was right there.

Q Was Frances Daniels taken out of the Cherokee Nation during the
war? A No further than went up north and back.

Q What relation is Frances Daniels to you? A She is my daughter.

Q Where was she taken during the war? A Just north and back.

Q Where did you go? A To Ottawa, Kansas.

Q Did you bring your daughter Frances back? A No sir, she came
back with her grandfather, Andrew Johnson.

Q When did she come back? A In '66.

Q What time of the year? A In the spring it was, in March.

Q Who was her grandfather? A Gilbert Vann and Andrew Johnson
was her grandfather.

Q Who else came with Frances besides her grandfather? A My brother

Q What was their names? A Foy Johnson and Murrell Johnson, and
Nancy Johnson, my sister.

Q They all came together? A Yes sir.

Q Did anybody else come with them at the same time? A No sir.

Q Where did they come to? A Down on the river at Mr. Dave Rowe's.

Q What district? A Saline District.

Q How long did they stay in Saline District at that time? A They
lived there until after the Braggs Station payment, I don't know how
long that has been. They lived there all the time for our home.

Q Did they live there for two or three years at the same place?
A Longer than that.

Q You didn't come down with Frances then? A I was behind her. They was with their grandfather, it was in '66.

Q How long did you come after they come back? A In the same year. They come in March. I can't date it, but it was in March. The grass was up about that high, and the little blooms on the prairie was about out. I come in the fall of the same year, in the same year but not the same month.

Q Where did you find them when you came down? A At Mr. Dave Rowe's

Q How old was Frances at that time? A She was about four years old, as I can remember she was just a baby, just a little bit of a thing, about four. She can't remember anything good. It was right there where we lived, right on Spring Creek.

Q Are you sure Frances was born before the commencement of the war?
A Yes sir, why I run with her. I had three children to get out of the way. We would get afraid. Right on Spring Creek.

Q Who were living around there when they came back? Name some colored people living round there when they came back. A Gilbert Vann, her other grandfather was there, that's all, I believe. Well them times was wild and woolly, and people then didn't pay much attention. It was her grandfather that died. There was a good many of them, but I can't --

Q Can you name any other colored people living around there at that time? A No sir, seem like I can't get it in my mind.

Q Where has Frances lived since she came back after the war?
A Lived nowhere but on Spring Creek, and down here to Saline in Lynch's Prairie.

Q In this nation? A Yes sir.

Q Lived nowhere but in the Cherokee Nation since the war?
A Nowhere but in the Cherokee Nation, never has been out.

MR. BELL: You say Frances come back in March, 1866? A Yes sir.

Q You come the fall following? A Yes sir, the same year it was, she come in '66, and I come along in the fall.

Q Who did she come with? A Frances came with her grandfather, Andrew Johnson.

Q You say Gilbert Vann was living on Spring Creek when they came?
A Yes sir, old Uncle Gilbert Vann, her grandfather.

Q How did you happen to give up that little three or four year old child? A She was with her grandmother. She is my child, they raised her. She always stayed with her grandmother, didn't live far apart. My team was very poor.

Q What time did you get here? A In the fall.

Q Early or late? A It was early in the fall.

Q When did Gilbert Vann come? A He come the same year, all come together.

Q I understood you to say that when Johnson, the grandfather, got there, Gilbert Vann was living there? A Uncle Gilbert Vann, her grandfather.

Q He come the same year? A The same year, all come together, the same year, in '66, the same year.

Q He must have come along in February or January? A I don't know sir, what year it was, but I know it was in '66.

Q This grandfather, Johnson, come in March, you know that by the state of the vegetation? A Yes sir.

Q Gilbert Vann came ahead of him? A Yes sir.

Q How long ahead? A I can't tell you.

Q I just want to know how long? A I can't tell you.

Q You were all up there together? A Yes sir.

Q You are certain he didn't come in the fall? A No sir, it was in the spring. I can tell by the little grass and the little blooms on the prairie.

MR. HASTINGS: You are certain, though, that Wilbert Vann had already come down there? A Yes sir.

Mr. Hastings: The Cherokee Nation moves that the testimony of Tobe Bean in the case of Fannie Hight, Cherokee Freedmen D-207, taken on September 21, 1903, as to the return of Gilbert Vann, shown in that testimony, be made a part of the record in this case.

CAROLINE LANDRUM, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: State your name? A Caroline Landrum.
Q How old are you? A About sixty, I reckon.
Q Were you born before the war? A Yes sir.
Q What is your post office? A Spavinaw.
Q Do you know Frances Daniels? A Yes sr.
Q What was her name before she was married? A She was a Vann, I guess.
Q Did you know her father? A Yes sir.
Q What was his name? A His name was -- I forget his name.
Q Do you know his last name, family name? A Turk Vann.
Q Who was her mother? A Minty Van n.
Q How long have you known Frances Daniels? A I have known her about seventeen years, I guess.
Q You didn't know her before the war then? A No sir.
Q You don't know when she came back? A No sir.
Q Where has she lived ever since you knew her? A She lived at Spring Creek.
Q What Nation? A Cherokee Nation.

MR. BELL: Who did you belong to before the war? You was a Cherokee slave, wasn't you? A Yes sir, John Thompson.

BY COMMISSION: Did you know George Daniels, before the war?
A He wasn't here before the war. I knowed him all since the war. I have known him all my lifetime.
Q Did you know him before the war? A Yes sir.
Q Where was he before the war? A Goingsnake District.
Q Was he the slave of a Cherokee citizen before the war? A Yes sir
Q Who did he belong to? A Tom Woodall.
Q Was he taken out of the Cherokee Nation during the war?
A No sir, he went south here in the Choctaw Nation during the war.
Q Went to the Choctaw Nation during the war? A I think it was.
Q When did you first see him after the war? A On Grand River.
Q What year? A I couldn't tell you just what year it was. It was my first sight of him, on the river.
Q How many years was it after the war? A I don't know, that is the first place I saw him a ter the war.
Q Was it a long ti me after the war? A It wasn't so long after the war.
Q Was it ten years after the war? A I couldn't tell you whether it was or not. I have no record of time.
Q Do you remember the time of the 1880 payment, the 1880 roll was made, the 1880 census was taken? A Yes sir, I believe I do.
Q Do you know where George Daniels was living at that time? Where was he living at that time? A He was living on Grand River.
Q In what Nation? A Cherokee Nation.
Q Where has he lived since that time? A He has lived right on Grand River ever since that.
Q He has lived in the Cherokee Nation since 1880 continuously to your knowledge? A Yes sir.

MR. BELL: You say you belonged to Johnson Thompson? A Yes sir.
 Q How long had he owned you when the war began? A Seven years.
 Q Where did you live? A Down on Grand River.
 Q You lived down here at this Ketchum post office in that brick house that Johnson lived in? A Yes sir.
 Q He owned you seven years before the war? Where did you know this boy before the war? A I know him at Beatty's Prairie.
 Q How long was it before the war that you come from Beatty's Prairie down to Grand River? A About a year.
 Q Then you wasn't living with Johnson Thompson seven years before the war? A I lived with Johnson Thompson seven years before the war.
 Q Where were you in 1857 and 1858? A I couldn't tell you, I don't know, we couldn't keep no record of time.
 Q Who did you belong to before old Johnson Thompson owned you? A We belonged to Daniels.
 Q There is a whole lot of them, I asked you which one it was? A Bob Daniels.
 Q When did ~~you~~ move down to Grand River? A Long before I moved down there.
 Q You say this boy lived in Goingsnake, was you ever down there at his house, at Tom Woodall's house? A Yes sir.
 Q When? A Once before the war.
 Q Who took you there? A Went down to visit and see my sister.
 Q Do you know when Ann Daniels married Tom Woodall? A Yes sir.
 Q How long before the war? A I don't know, it was a good while.
 Q Where were they married at? A Beatty's Prairie.

PHYLLIS BEAN, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: State your name? A Phyllis Bean.
 Q How old are you? A I guess about fifty-four.
 Q Were you born before the war? A Yes sir.
 Q What is your post office? A Vinita.
 Q Did you know George Daniels before the war? A Yes sir.
 Q When did you first see him after the war? A I guess it was about after the second census they took here I seen him, he was on the river.
 Q Do you remember what year that was? A No sir, I don't remember.
 Q Was it before the census takers came around in 1880? A I don't know, I don't remember when it was, but it was then.

MR. BELL: That second census was in 1880, the first one after the war, well we did have a census in 1867.

BY COMMISSION: Do you remember when the census takers came around in 1880? A I believe I do.
 Q About how old was George Daniels when you saw him first after the war, was he grown, was he a young man? A He was a pretty good sized boy when I seen him after the war.
 Q Was he a man at that time? A I don't know. He was always small, I don't know whether he was a man or not.
 Q Where has he lived since you first saw him that time? A Over on Grand River, Saline District.
 Q In what nation? A In the nation here.
 Q Cherokee Nation? A Cherokee Nation.
 Q Could you state how many years he has lived in the Cherokee Nation since the war? A No sir, I can't do it, but he has lived here ever since I have been here. I have seen him before the war, and I have seen him after.

Q You never knew - do you know whether he ever lived outside the Cherokee Nation since the war? A No sir, I don't, when I left Goin snake I left him there.

Q Did you know Frances Daniels? A Yes sir.

Q Did you know her before the war? A Yes sir, I knew her when she was a child.

Q When did you first see her after the war? A I seen her here.

Q When? A It was in the fall of '66 when I seen her here, she come ahead of us when we come.

Q Who did you come with? A Come with Gilbert Vann.

Q Who else? A I can't tell you who all, George Vann and a whole lot of them. I can't tell who all was along, was in the Horse Creek fight. My uncle brought me here, Gilbert Vann.

Q You was in the crowd that was in the Horse Creek fight? A Yes sir.

Q Name as many of them as you can that were with you at that time? A Sam Vann, Gilbert Vann, George Vann, Lewis Martin, Jack Bean, George Bean, Joe Bean, Tobe Bean, Walker Vann, William Vann, Lucy Vann, I can't recollect all of them.

Q Name some of the woman now, if you can remember them, were there many women along? A Yes sir.

Q Name all you can think of? A Sarah Murrell, Susie Vann, Mary Musgrove, Jane Musgrove, Chlora, a Creek black woman and her son, three of them, Chlora and her daughter and her son.

Q All these people you name were in the crowd that got in the Horse Creek fight, were they? A Yes sir, they were in the Horse Creek fight.

Q Do you remember when the Horse Creek fight happened? A Yessir, I was right in it.

Q Do you remember what year that was? A It was the fall of '66.

Q Was it early in the fall, or a late? A I think it was early in the fall.

Q You say Frances Daniels came down before you did? A Yes sir, she come ahead of us the same year.

Q Who did she come with? A With her grandfather.

Q What was his name? A Johnson Vann. Not Vann, Rowe, belonged to Dave Rowe.

Q What was his name? A Johnson Rowe.

Q Did you come on down after the Horse Creek fight? A Yes sir, come on down.

Q Where did you first see Frances after you come down? A On the old place.

Q That same fall? A Yes sir, at Mr. Rowe's.

Q How long did she stay there at that time? A I don't know how many years she stayed there until we moved up here on the river.

Q Two or three years at least? A Yes sir, a good while, until she moved up here on the river.

Q How long has she lived in the Cherokee Nation since that time? A Ever since she come.

MR. BELL: Who did you belong to? A Kate Williams. I was Mis' Timberlake's nurse, that is where I seen George at, and his brother and his mother, with Ann Woodall. She always carried me to nurse. It was in the winter, right in the same neighborhood. Mrs. Williams was Mrs. Timberlake's aunt.

Q Did Gilbert Vann come along with you? A He took me to Kansas and brought me back.

Q What kin are you to Frances Daniels? A I am cousin, second cousin. We was raised right there.

Q Did Minty Barlow come back with you?
A No sir, she dian't come with me.

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 his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 26th day of October, 1903.

Charles H Sawyer
Notary Public.

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

In the matter of the application for the enrollment of George Daniels et al., as Cherokee freedmen, consolidating the applications of:

George Daniels et al	Cherokee Freedmen D 194
Cynthia J. Wickliff et al	Cherokee Freedmen D 218
Enoch Daniels et al	Cherokee Freedmen D 219.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by George Daniels for himself, his wife, Frances, and his two minor children, Nathan and Henry Daniels; by Cynthia J. Wickliff for herself and her minor child, William Wickliff; that subsequent to the date of the original application herein, a birth affidavit which is made a part of this record, was filed with the Commission showing the birth of George C. Wickliff; by Enoch Daniels for himself, his wife, Laura, and his minor child, Ralph Daniels; that subsequent to the date of the original application herein, a birth affidavit which is made a part of this record, was filed with the Commission showing the birth of Marshall Daniels. Copies of the testimony taken at various times in the cases of Fannie Hight, Cherokee Freedmen D 207, Sadie Ives, Cherokee Freedmen D 1086, Cornelius Ridge et al., Cherokee Freedmen D 586, and Katie Ridge, Cherokee Freedmen D 295, are filed herewith and made a part of the record herein.

The evidence shows that the applicant, George Daniels, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of freedmen to said Nation; that the applicants, Cynthia J. Wickliff, William Wickliff, George C. Wickliff, Enoch Daniels, Ralph Daniels, Marshall Daniels, Nathan Daniels and Henry Daniels, are the children and grandchildren of the

said George Daniels, born since 1866, and claim the right to enrollment as his descendants. The said Laura Daniels, wife of Enoch Daniels, was born since 1868 and is the daughter of Cornelius Ridge (Cherokee Freedmen D 586), who has heretofore been enrolled by this Commission as a Cherokee freedman.

The evidence further shows that the said George Daniels has lived continuously in the Cherokee Nation since his return thereto in 1866, and the other applicants heretofore named have resided therein since birth.

The applicant, Frances Daniels, is identified upon the 1880 authenticated Cherokee trial roll as "adopted colored," and has lived in the Cherokee Nation continuously since the making of said roll.

It is, therefore, the opinion of this Commission that George Daniels, Frances Daniels, Nathan Daniels, Henry Daniels, Cynthia J. Wickliff, William Wickliff, George C. Wickliff, Enoch Daniels, Laura Daniels, Ralph Daniels and Marshall Daniels should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 21, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this
 JUL - 5 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., July 6, 1904.

In the matter of the application for the enrollment of George Daniels, et al, as Cherokee freedmen, consolidating the applications of:

George Daniels, et al, Cherokee F. D. 194,
Cynthia J. Wickliff, et al, Cherokee F. D. 218, and
Enoch Daniels, et al, Cherokee F. D. 219,

I dissent from the conclusion of the other Commissioners in the following particulars:

1st. They find in favor of the enrollment of George Daniels, his wife, Frances Daniels, and his alleged two minor children, Nathan and Henry Daniels.

George Daniels, the principal applicant in case 194, is not identified upon either the roll of 1880 or 1896. He is identified only upon the Kern-Clifton roll, which is very unreliable evidence. This is supported chiefly by his own testimony, which I do not consider of a trustworthy character, and by the testimony of one William Foreman, a notorious professional witness, and, throughout, the testimony is essentially inconsistent and contradictory. I do not think that George Daniels makes anything like a good case for himself, and I vote against his enrollment.

As for his wife, Frances Daniels, she is reasonably identified on the roll of 1880 and in other respects her case is well supported. I think she is entitled to enrollment, and with respect to her, I concur with the other Commissioners and vote for her enrollment.

With respect to the two children in this case, the alleged minor children of George Daniels and, as presented by him, of his present wife, Frances Daniels, it is found upon subsequent proceedings, notably in the application made by Sadie Ives for the

George Daniels, et al---2.

enrollment of two children, that these are not the children of George Daniels and his wife, Frances, but that they are the children of this Ives woman and that, to say the least, they are of doubtful parentage so far as the father is concerned. In my opinion, they could derive no rights through George Daniels, if he be the father, & they certainly derive no rights through his wife, Frances Daniels, for they are not her children, and I think it is equally clear that they derive no rights through their mother, Sadie Ives. Therefore, I vote in favor of refusing the right to enrollment to these two children who are called Nathan and Henry Daniels.

2nd. Cynthia J. Wickliff in the above mentioned case, 218, applies for the enrollment of herself and her minor child, William Wickliff. She is shown to be a daughter of the aforesaid George Daniels by a former wife, Eliza, deceased. It is not shown that this woman, Cynthia J. Wickliff, has any right except through her father, George Daniels, and her child, William, is not shown to possess any right except through his mother, Cynthia J. Wickliff. It follows from what has been said in regard to the rights of George Daniels and his deceased wife, Eliza, that their daughter, claiming only through them and her child, claiming only through her, have no right to enrollment, and I vote against the enrollment of Cynthia J. Wickliff and her minor child, William Wickliff. This woman is identified only upon the questionable Kern-Clifton roll. She may have been too young to be upon the roll of 1880, upon which she is not found, and she was not admitted to enrollment in 1896.

3rd.

As for the foregoing mentioned case 219, that being the case of Enoch Daniels, his wife, Laura, and his minor children,

Ralph and Marshall Daniels, it is found that Enoch Daniels is a son of George Daniels and his deceased wife, Eliza, through whom it has just been concluded that no one derives a right to enrollment. Enoch Daniels, though of sufficient age, is shown not to have been admitted to enrollment in either 1880 or 1896 upon the rolls bearing these dates. He is identified only upon the Kern-Clifton roll. I vote against his enrollment.

It seems that his wife, Laura, is a daughter of Cornelius Ridge, Cherokee freedman case D-586 who has heretofore been enrolled by the Commission as a Cherokee freedman. Giving her the benefit of that identification of her father, I vote in favor of her enrollment now, and also of the enrollment of her two minor children, Ralph and Marshall Daniels.

In conclusion, I concur with the other Commissioners in favor of the enrollment of Frances Daniels, wife of George Daniels, whose application is in the foregoing case 194. I concur with the other commissioners in the enrollment of Laura Daniels and of her two children, Ralph and Marshall Daniels, whose applications are embraced in the foregoing case 218, the latter child being covered by birth certificate attached to the case.

As to all the other applicants in this consolidated case, the enrollment of all of whom is concurred in by the other Commissioners, I dissent from said conclusion and vote against their enrollment.


Commissioner.

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

In the matter of the application for the enrollment of George Daniels
et al, as Cherokee Freedmen, consolidating the applications of:

George Daniels et al F. D. 194

Synthia J. Wickliff et al F. D. 218.

Enoch Daniels et al F. D. 219.

Protest.

The Cherokee Nation respectfully protests against the decision or-
dering these applicants enrolled and prays an appeal to the Honorable
Secretary of the Interior.

Respectfully,

W. W. D. Austin
Attorney for the Cherokee Nation.

2014

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George Daniels,
Spartan, I.T.
Cherokee F-2-101
Registrar.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

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

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED IN RELY TO THE FOLLOWING

Cherokee
Freedmen
D 194.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 12, 1902.

George Daniels, Esq.,
Saline, Indian Territory.

Sir:-

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that it is necessary, for the proper consideration of your case, that you submit to this Commission additional testimony, showing more definitely the place of your residence during and since the War of the Rebellion; also evidence showing clearly whether Mrs. Woodal, formerly Daniels, the owner of your mother prior to said War, was a Cherokee citizen or white person.

This testimony must be furnished on or before August 9, 1902.

Yours truly,


Acting Chairman.

Register.

Cherokee Freedmen
D-194.

Muskogee, Indian Territory, September 11, 1903.

George Daniels,
Spavinaw, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and as to your residence in the Cherokee Nation since 1866. also evidence as to the date of the return of your wife, Frances Daniels, to the Cherokee nation after the war.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-194.

Muskogee, Indian Territory, September 11, 1903.

D. M. Wisdom,

Attorney for George Daniels, et al.,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Daniels, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether or not said George Daniels was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and as to his residence in the Cherokee Nation since 1866; also evidence as to the date of the return of his wife, Frances Daniels, to the Cherokee Nation after the war.

You are further advised that the Commission will be in Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-194-218-219.

Muskogee, Indian Territory, July 25, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 25, 1904, granting the applications for the enrollment of George, Francis, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J. and William Wickliff as Cherokee freedmen, together with a dissenting opinion as to the enrollment of certain of these applicants, signed by Commissioner Breckinridge.

You are advised that you will be allowed fifteen days within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. 3-94.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-194.

Muskogee, Indian Territory, August 18, 1904.

D. M. Wisdom,

Attorney for George Daniels, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 5, 1904, in the consolidated case of George Daniels, et al., granting, among others, the application for the enrollment of George, Frances, Nathan and Henry Daniels as Cherokee freedmen. There is also enclosed a copy of the dissenting opinion of Commissioner Breckinridge. 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 George Daniels 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 in-

formed of the same.

Respectfully,

James Bixby. *Chairman.*
Commissioner in Charge.

Encl. S-90.

Register.

COPY.

Cherokee Freedmen

D-194.

Muskogee, Indian Territory, August 18, 1904.

George Daniels,

Spavinaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 5, 1904, granting, among others, your application for the enrollment of yourself, your wife Frances Daniels, and your two minor children, Nathan and Henry Daniels, as Cherokee freedmen. There is also enclosed a copy of the dissenting opinion of Commissioner Breckinridge. There has heretofore been furnished your attorney D. M. Windom, 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 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 Secre-

tary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Bixby, *Chairman.*
Commissioner in Charge.

Encl. S-89.

Register.

COPY.

Cherokee Freedmen
D-194-218-219.

Muskogee, Indian Territory, August 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Daniels, et al., including the Commission's decision, dated July 5, 1904, granting the applications for the enrollment of George, Frances, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J., William and George C. Wickliff, as Cherokee freedmen. There is also enclosed a copy of the dissenting opinion of Commissioner Breckinridge.

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

Respectfully,

Jame Bixby.
Chairman.

Encl. S-93.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, September 24, 1904.

Land.

57605.1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by George Daniels for himself, his wife, Francis, and his two minor children, Nathan and Henry Daniels; by Cynthia J. Wickliff for herself and her minor children, William and George C. Wickliff; by Enoch Daniels for himself, his wife, Laura, and his minor children, Ralph and Marshall Daniels.

July 5, 1904, the Commission decided favorably to all the applicants, Commissioner Breckinridge filing a dissenting opinion against the enrollment of George Daniels and all applicants claiming exclusively through him.

The record shows that the applicant, George Daniels was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he left the Cherokee Nation, but returned thereto and established a residence therein prior to February 11, 1867; that Laura Daniels, wife of Enoch Daniels, was born since 1866, and is the daughter of Cornelius Ridge

(Cherokee freedman D. 586), who has heretofore been enrolled by the Commission as a Cherokee freedman.

It is further shown that the principal applicant, George Daniels, has lived continuously in the Cherokee Nation since his return in 1866. The applicant, Francis Daniels, is identified upon the 1880 authenticated Cherokee roll as adopted, colored, and has resided in the Nation continuously since the making of that roll. All of the other applicants are the children and grand children of George Daniels and born since 1866, and claim right to enrollment as his descendants.

The exceptions taken by Commissioner Breckinridge appears to be based upon the untrustworthy character of the testimony offered by the applicants, but it does not appear that the testimony of the applicants' witnesses has been in any manner impeached and from the record it appears as truthful and reliable as any adduced before the Commission by either side, in this, or any other record.

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

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W. C. F.
FHE

D. C. 41076-1904

WASHINGTON. October 22, 1904.

I. T. D. 7724-1904.

LRS

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

Gentlemen:

August 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of George Daniels, et al, including your decision of July 5, 1904, granting the applications for the enrollment of George, Frances, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J., William and George C. Wickliff.

Commissioner Breckinridge dissents from your decision, except as to the applicants Frances Daniels, wife of George Daniels, Laura Daniels, and her two children Ralph and Marshall Daniels. The Attorney for the Cherokee Nation protests against your decision.

Reporting September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision, favorable to the applicants, be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) M. W. Miller

1 inclosure.

Acting Secretary.

Cherokee Freedmen

D-194.

Muskogee, Indian Territory, November 8, 1904.

George Daniels,

Spartan, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 5, 1904, granting, among others, the application for the enrollment of yourself, your wife Frances Daniels, and your minor children, Nathan and Henry Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 22, 1904.

Respectfully,

SIGNED: *Tams Dixby*
Chairman.

Cherokee Freedmen

D-194.

Muskogee, Indian Territory, November 8, 1904.

D. M. Wisdom,

Attorney for George Daniels, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 5, 1904, granting, among others, the application for the enrollment of George, Frances, Nathan and Henry Daniels as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 22, 1904.

Respectfully,

CSIC *Tame Bixby.*
Chairman.

Cherokee Freedmen

D-191, et al.

Muskogee, Indian Territory, November 8, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated July 5, 1904, granting the applications for the enrollment of George, Frances, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J., William and George C. Wickliff as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 22, 1904.

Respectfully,

SIGNED

Tanne Dixby.
Chairman.

Cher Fr 1420

Trans. from Cher Fr D 212

Cher Fr 1420

2/1/04.

J.P.D.

✓ Cherokee Fudmen L. 2/12.
Oltine Beans
1/23/04 C.M.

Mallette & Smith attorneys for the applicant:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 8th 1901.

In the matter of the application of Arthur Bean for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Arthur Bean.
Q What is your age? A. 58.
Q What is your post office address? A. Vinita.
Q What district do you live in? A. Delaware district.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q Have you ever applied to be enrolled as a Freedman of any other Tribe or Nation? A. No sir.
Q Have you ever drawn any money from any other tribe or nation? A. No sir.
Q Have you been recognized by the Cherokee authorities as a Freedman of the Cherokee Nation? A. In part, yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir I suppose so, I drew money.
Q Is your name on the roll of 1880? A. No sir.
Q Did you draw what is known as the Chefokee Strip money? A. Yes sir, I drew at Hayden and at Claremore.
Q Were you a slave before the war? A. Yes sir.
Q To whom did you belong? A. Washington Adair.
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where were you taken to? A. Kansas.
Q When did you return to the Cherokee Nation? A. I did not stay no time at all, I came back right away.
Q Before the war was over? A. Yes sir.
Q Have you been here ever since? A. No sir.
Q Where did you go then? A. Well I came down her to Gibson and then I went to Fort Smith and then back to Kansas and then back to the Cherokee Nation.
Q When did you get back to the Cherokee Nation the last time? A. In '66.
Q Why is your name ~~is~~ not on the roll of 1880? A. Well we went to the Supreme Court at Tahlequah and went before Judge Daniels and he said that there was no need of our staying there that we was all right and that we could go back home and we went home and when the names came out we was on as doubtful citizens.
Q You say you drew the Strip money? A. Yes sir I drew from my wife and Children at Claremore and for myself at Hayden.
Q Did you draw at the regular payment or afterwards? A. Yes sir I drew out at Hayden when they paid off out there.
Q That was in Cooweescoowee district was it not? A. Yes sir.
Q Did you draw for your wife and children? A. Yes sir.
Q What was your wifes name? A. Lucinda.

By the Cherokee Representative, W. W. Hastings:

- Q I believe you said that you first came here after the war from ~~Kans~~ Kansas and went right away to Fort Smith? A. No sir that was during the war.
Q Oh that was before the war closed? A. Yes sir I was here at Fort Gibson first when I came back from Kansas and then I went to Fort Smith and then back to Kansas, that was during the war—well in fact I was all through this Cherokee Nation during the war.
Q You say that you were summoned to Tahlequah to the Supreme Court, that was in '71 wasn't it? A. Yes sir I guess it was about that time.
Q And they took testimony there in your case? A. No sir they said that there was no use to have any taken as we was all right.
Q You didn't go before the Court at all then and give any testimony in? A. No sir, Judge Daniels was there and he said that there was no use having any as he knowed us and said that we was all right.
Q Judge Daniels was judge of the Supreme Court at that time was he not? A. Yes sir.

Q And he lived just about here a few miles from you and would know all about you? A. Yes sir that is why we had confidence in him— you see we trusted in our Judges.

Q And the Court decided against you? A. Yes sir we was put of as doubtful citizens after we got back so I suppose the Court decides against us after we left there.

Q Who came back with you when you came here in '66? A. George Vann and Sibbert Vann.

Q That is the Captain George Vann who led the crowd at the Horse Creek Fight? A. Yes sir that is the fellow.

Q You camped at Island Ford didn't you? A. Yes sir.

Q Have you lived in the Cherokee Nation ever since then? A. Yes sir, I has been in and out around through the Cherokee Nation: I was not a married man then and I had not settle place to stay.

Q Where did you go to first in the Cherokee Nation when you came back here? A. Fort Gibson.

Q And you have staid in the Cherokee Nation ever since? A. Yes sir, ever since.

Q You say you were in the Horse Creek War under Captain George Vann? A. Yes sir they calls it a war.

Q And George Vann was a boy just 16 years old at that time and your Captain? A. Yes sir he was a sort of Captain, he was the leader of that crowd when we came through.

Q And he wasn't but 16 years old at that time? A. Yes sir I think that was what he was.

Q And there were a lot of older men in that party than he was and still he was the Captain? A. Yes sir.

Q You were at least ten years older than him yourself? A. I dont know, I guess not though, we was boys together.

Q When you came to apply before the Kerks Clifton Commission in 1896, you didn't have a single witness with you did you? A. Yes sir I had them there, but they said that I did not need them as I was all right—you told me that your self— said that I didn't need no witnesses.

By the Commission:

Q Who did you say you belonged to before the war? A. To Washington Adair.

GEORGE VANN, called and sworn as a witness, testified as follows:
Examined by Commissioner T. B. Needles:

Q What is your name? A. George Vann.

Q What is your age? A. 51.

Q What is your post office address? A. Lehapah

Q Do you know Arthur Bean here? A. Yes sir.

Q Do you know when he came back to the Cherokee Nation after the war? A. Yes sir.

Q When? A. In '66.

Q How do you know it? A. He came with me, and I came here in '66.

By the Cherokee Representative, W. W. Hastings:

Q You was the captain of that outfit, wasn't you? A. Yes sir.

Q There were older men in that party than you were, were there not? A. Yes sir.

Q You was only 16 years old then were you not? A. Yes sir, I guess so.

Q And yet you say that you as a 16 year old boy was the captain when there was lots of older men in that party? A. Yes sir they made me the captain.

Q What time in the year 1850 were you born—you were born then were you not? A. I dont know exactly when.

Q You say you were the captain and had command at that Horse Creek fight? A. I was the Captain of that crowd, yes sir.

Q Who was along in that crowd? A. Lots of folks.

Q You know that Arthur Bean was along? A. Yes sir he was along.

Q Was his wife along with him? A. Yes sir but she wasn't his wife then.

Q How long after that did he marry? A. I dont know sir.

Q Where did he go after you got here? A. On Spring Creek.

Q How long did he stay there? A. A week or two.

- Q Where did he go then? A. He went from there to Gibson.
- Q From there where did he go? A. Up on Spavinaw on Lynches Prairie.
- Q Has he lived there ever since? A. I have always seen him there since.
- Q But you dont know how long after you came back that he married? A. No sir.
- Q About how many people were there in that crowd that you led into the Cherokee Nation as Captain? A. I dont know just exactly how many, I never kept no record.
- Q Well I am not going to ask you to name the people who were there, all I want to know is how many people there were there, about how many? A (No response)
- Q Was there as many as five hundred? A. No sir not that many? *
- Q Well about how many? A. Something like 40 or 50 counting children.
- Q That included men, women and children did it? A. Yes sir.
- Q The men all had their families with them in that crowd did they? A. No sir not all of them had families.
- Q Well I mean those that were married and had families had them with them there in that crowd? A. Yes sir.
- Q Those that had families had them there with them in the wagons, and counting them all there was between 40 and 50 people? A. Yes sir some, thing like that.
- Q You do remember that Arthur Bean was along with you-- your side, Partner?
- A Yes sir he was along, I recollect him good, I had known him ever since we was children together and I was not going to forget him that soon was I?
- Q You wasn't a witness for him when he was before the Supreme Court at Tahlequah in 1871 or when he applied here five years ago? A. No sir I was not called on to be .
- Q Did you ever testify in a single persons case at that time that you had brought a crowd down with you in '61? A. Yes sir.
- Q Whose case? A. Lou Martin.

By the Commission

- Q What was that Horse Creek War? A. Well it was not just a war, there was some fellows up there and they went to shooting into some other fellows and when we come up there and went in to help one side the others run off .
- Q Was they colored people or whites? A. White and Indians I guess.
- Q How did it happen that you was captain of your party when you were only 16 years old and there were other men there who were a great deal older?
- A Well when we started out the boys voted for me to be captain and I was that all the time that we was coming here. My and uncle Sam Vann run for captain and I beat him--the boys all voted for me.
- Q And you were Captain from that time on until you separated in the Nation?
- A Yes sir.

By W. W. Hastings:

- Q You were not married then? A. No sir.

By the Commission:

- Q Was that much of a fight? A. Oh not much, there was three killed and one wounded.

By W. W. Hastings.

- Q You were never a soldier were you during the way? A. No sir I was just a boy then.
- Q Some of the men that were in your crowd had been soldiers though hadn't they? A. Yes sir.
- Q And yet you were elected Captain? A. Yes sir, I dont know why the boys voted for me, if you want to know you will have to ask them.

Fillmore Hicks, called and sworn as a witness, testified as follows
Examined by Commissioner T. B. Needles,-

- Q What is your name? A. Fillmore Hicks.
 Q What is your age? A. 53.
 Q What is your post office address? A. Vinita
 Q Are you a citizen of the Cherokee Nation? A. Yes sir.
 Q By blood? A. Yes sir.
 Q Do you know Arthur Bean? A. Yes sir.
 Q Do you know where he was in '66? A. Not all the time I don't.
 Q Was he in the Cherokee Nation any in that year? A. I seen him here in the Cherokee Nation in the fall of '66.
 Q Was he a single man or married at the time? A. Single.
 Q Do you know if he has lived in the Cherokee Nation continuously ever since? A. To my knowing he has.

By W. W. Hastings:

- Q How comes it that you remember this man in particular after having seen him for the first time some 35 years ago? A. I dont remember him in particular, I remember seeing several, I remember seeing the Bean boys.
 Q And you remember seeing a colored man 35 years ago for the first time?
 A I remember seeing the Bean Boys, Art, Tobe and Joe at that time.
 Q Where did you see him at? A. At Crap Lynche's.
 Q What was he doing? A. Just going around.
 Q How far from your place was it that you saw him? A. Two or three miles
 Q How old were you then? A. 16 or 18 years old.
 Q And you were then just a boy 16 or 18 years old and you remember having seen this man there over 35 years ago? A. Yes sir.
 Q Do you remember one single person that you saw ten years after that, in 1876? A. Yes sir.
 Q Who? A. Jow Frechall.
 Q Who else? A. Well in 1876 I saw Dan Tucker and Ellis Towers.
 Q What fixes it in your mind that you sat Arthur Bean there in 1866? A. Well one thing that does was that my mother married Little Wolf in 1866.
 Q What connection has that to do with your having seen this man? A. It has no connection but I remember having seen him the same year that my mather married and that was in 1866. And then I saw Tobe Bean there when he was wounded and that was in that year.
 Q When was it—what time of the year? A. Inthe fall, close on to winter.
 Q You have enrolled yourself haven't you?, A. Yes sir.
 Q What are you here for then? A. I am a witness for these fellows; they asked me to be a witness for them.
 Q How far do you live from here? A. Right here in town.
 Q What are you doing? A. Working at first one thing and then another when I take a notion.
 Q You have no regular occupation? A. Not in particular.
 Q ~~What~~ How much do you charge these fellows for being a witness for them?
 A That is my business.

By the Commission:

- Q But you do charge him dont you? A. Yes sir.
 Q How much? A. Just for my time, a dollar and a half per day; that is what the government pays and I guess I have a right to have my time paid for.

By W. W. Hastings:

- Q How much did he give you to testify? A. Not a cent yet.
 Q He just agreed to give it to you? A. He is to pay me for my time a dollar and a half a day.

By the Commission:

- Q Did you know this man well at that time? A. That was the first time I ever saw him.
 Q How did you know that it was Arthur Bean? A. By what the other people

around there that knew them told me.

Q And you say you have known him ever since? A. Yes sir.

BILL FOREMAN, called and sworn as a witness, testified as follows on behalf of the Applicant; examined by Commissioner T.B. Needles:

Q What is your name? A. Bill Foreman.

Q What is your age? A. 64.

Q What is your post office address? A. Wagoner.

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

Q By blood? A. Yes sir.

Q Do you know Arthur Bean? A. Yes sir.

Q How long have you known him? A. I have known him 35 or 40 years.

Q Was he a slave? A. Yes sir.

Q Who was his owner? A. He belonged to the Adairs, I don't remember which one, think it was Washington Adair though.

Q Where was he in 1866? A. He came to my place in the fall of 1866, I had a little store over there and he came there, he and his brothers and George his uncle and bought some goods at my place.

Q You knew him then? A. Yes sir.

Q Has he lived in the Cherokee Nation continuously ever since then? A. Yes sir as far as I know he has.

By W. W. Hastings:

Q Do you know any thing that fixes it in your mind that you saw him in the fall of 1866? A. Nothing but that he came there in August or September and soon after that I moved on Big Creek—I sold out my store to Henry Scramer, my brother in law, and I then moved on Big Creek and staid there a while and sold out there and came to Cabin Creek.

Q And you know that he was there just before you sold out? A. Yes sir.

Q Who with? A. I don't know except that he told me that the others was Gilbert and Walker Vann, and his uncle George.

Q Was he married then? A. Not as I know of.

Q You don't know his wife? A. No sir not then.

Q He was living in Saline a while was he? A. Yes sir and afterwards moved into Delaware district; I had a place in Delaware and sold it to him.

Q Where was he living in 1880? A. In Delaware district I think, I won't be positive though for I was on this side then.

~~Applicant recalled and examined~~ by W. W. Hastings:

Q What is your occupation? A. I have always considered myself as a farmer but I have sole out and am not doing anything much now.

Q Where do you live? A. On Grand River, east of Wagoner six miles.

Q Do you live there? A. Yes sir.

Q On your farm? A. No sir I sold out and went to Hot Springs and since I came back from there I am kind of on the drift now.

Q I believe that you are the same man that testified here before and that you then said that you were a witness for some colored people in 1896, for a man named Robinson, and that you charged him \$125 for testifying? A. No sir I said that I charged that much for my expenses, there were five of them.

Q That would make \$25.00 each? A. Yes sir.

Q You testified for others at the same time didn't you and charged them also? A. Yes sir.

Q Did you charge this man anything? A. No sir I didn't.

By Com'r Needles:

Arthur Bean applied for the enrollment of himself as a Cherokee Freedman; his name is not found on the authenticated roll of 1880, or on any of the rolls in the possession of the ~~Commission~~ Commission; he avers that he received his Strip money, payable under the Kerne-Clifton pay roll, but his name

6.

is not found on said roll although it may be there. By reason of the fact that his name is not found on ~~any~~ the authenticated roll of 1880 he will be placed on a doubtful card to await further information as to his rights.

The 1880, 1896 and Keene-Clifton rolls of the Cherokee Nation examined and the name of the applicant not identified thereon.

* * * * *

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 9th of May, 1901 at Vinita, I. T.



Commissioner.

1 58-10

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
8 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 8, 1951*
Post Office *Vienna Gt.*
District *Bellevue*

1. Name *Arthur Bean* Age *58*
Owner's name *Washington Adams* Citizenship
Year *1860*, Page *1* No. District

Parents:
Father Citizenship
Mother Citizenship

2. Name of wife Age
Owner's name Citizenship
Year Page No. District

Parents:
Father *Robert [unclear]* Citizenship
Mother *[unclear]* Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *Me* Stenographer *Chas. von Weise*

I am the Grand I [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]

File with Cherokee Freedman, D- 212. *Arthur Bean*

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JESS COCHRAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.

Q What is your age? A About 53.

Q Where were you born? A Here in the Cherokee Nation.

Q Cherokee by blood? A Yes, sir.

Q Did you go out of the Nation during the war? A No, sir.

Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.

Q A brick house there? A Yes, sir.

Q Mr. Cochran, was your father living with you in '65? A Yes, sir.

Q When did your father die? A In the fall of '66, he was killed the 22nd of October.

Q Where was he killed? A On the military road at what was known as the Bob Daniels place.

Q How far was that from the place you are living? A It is about three miles.

Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.

Q Do you know Bob ~~Knights~~ Knight, who is a witness here in this case

A No, sir, not that time.

Q You didn't know him then? A No, sir.

Q Do you know him now? A Yes, sir.

Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteau.

Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.

Q After your father was killed? A Yes, sir.

Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.

Q You made an examination of the house at that time? A Well, we just took a look there, there wasn't a soul in there, it was open and vacant, I had been there before.

Q You made an examination and wasn't anybody living there? A No, sir.

Q Did you have occasion to pass by this same house after that?

A Yes, sir.

Q About how long after this? A It was along in about, I would say about the 10th of 15th of December.

Q Or what year? A The same year.

Q Was anybody living there at that time? A No, sir.

Q Do you know who afterwards lived in that house? A No, sir, I don't.

Q What was that place it was called, known as? A Oh yes, I know it was the old man Knight place.

Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand river?
A In the spring of '67.

Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee Nation?

Mr. Mellette: I object to the question as not material in this case. It is pure hearsay.

Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.

Commissioner: I don't think that is a material question.

Q Did you know of any? A Only just heard of it.

Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.

Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.

Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.

Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.

Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.

Q You didn't know Tobe Bean then? A No, I knew the others that was living there.

Q You were acquainted with the other colored people who were living over there? A Yes, sir.

Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.

Mr. Mellette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.

Q No fights at all? A At that time there wasn't nobody killed?

A Well there was when my father got killed a month before that.

Q Where did he get killed? A On the military road.

Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.

Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.

Q Do you swear that you heard of every fight that occurred?

A Well, I would remember it if I did hear it, I don't think I heard of any.

Q Where did you say you lived along about that time? A On Grand River.

Q How old were you then? A Well, I must have been nearly 30 years o. d.

Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.

Q Near what place on Grand River now? A I believe they call it the Keturum place now.

Q On which side of the river were you living? A I would call it on the east side of the river.

Q You ought to know? A That is what it is.

Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.

Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.

Q Were you well acquainted up in that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.

Q Whose place was that? A It was known as the Knight place, it was vacant though.

Q How often had you been up in that country? A Well, I can't tell you just how often I had.

Q I just want to know how often you had been up in that country? A I had been to that place three times that year.

Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes sir, I do.

Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.

Q You just passed by these places in question? A Yes, sir.

Q Came right through that country? A Yes, sir, came on the military road.

Q Who did you say was with you? A My father when I first got acquainted with the place.

Q Who was with you the last time? A Tom Thompson and old man Johnson.

Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.

Q Were you driving or riding? A In a wagon.

Q You stopped at the spring and passed on; is that all you did? A Yes, that was about all we done.

Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.

Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.

Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.

Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A Me, no sir.

Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.

Q You say you started out to hunt the people that killed him?

A Yes, sir.

Q And Tom Johnson was with you? A No, that was the last time I was up there.

Q The last time that Tom Thompson was with you? A Yes, sir.

Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th of 15th.

Q You remember now it was the 10th of 15th of December? A Yes, sir.

Q How do you ~~know~~ happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in Neosho, and I went with them, to Neosho, to get some groceries.

Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.

Q Might not it have been in November? A No, sir, it wasn't in November.

Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.

Q When was it talked about? A This matter came up about the same way at the Clifton Court.

Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.

Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.

Q You testified to the same facts before the Clifton court you testify to now? A Yes, sir, as near as I can remember.

Q What do you know about it; do you think you gave the same testimony then you do now? A I do.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '66.

Q You are certain of that? A Yes, sir, I let him have the whisk-e; to get drunk on.

Q Well now you know it was in '66 that Mose Bean shot Al Lynch do you, Mose Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell them Mose Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.

Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all; you knew where Rowe lived, didn't you? A Old man Dave Rowe?

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '66? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.

Q Delegate to Washington? A Yes, sir.

R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 54.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 25 years.

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

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On HoYse Creek.

Q What district is that in? A Delaware district.

Q Was there any road that run by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, had some negroes passed your place prior to that time?

A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tobe Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house --

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that

A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on. I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles: a little more or a little less, I don't know just what we do call it.

Q The military road run right by it? A Not by the Thompson place

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '66, and that he was the fellow shot in that fight in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tobe Bean, the applicant?

A Yes, sir; I think that is the remark, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew his name, but I didn't know him, I could have picked him out.

Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The man I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trott.

Q What is your age? A 62.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '66.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chatopa, Kansas? A About four miles.
Q What direction from Russell Creek? A We lived on Russell Creek.
Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.

Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.

Q Do you know the applicant, Tobe Bean? A I have seen him, I don't know as I am acquainted with him.

Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.

Q When did you hear of that? A It was in the fall of '67.

Q How far were you living from the Knight place at that time?

A About four miles.

Mr. Mellette: Now Mr. Trott, do you remember that you came back here in the spring of '66? A I think I do.

Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.

Q Where did you come from? A Kansas.

Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.

Q Where did you stay? A In Woodson County.

Q Who did you live with up there? A My father and mother.

Q What time did you start back here in '66? A It was in the spring.

Q In the spring of '66; how did you come? A In wagons.

Q Travel through the country? A Yes, sir.

Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.

Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chatopa.

Q Which way did you come; come by Vinita? A We came on the Neosho River.

Q Did you come by Vinita? A No, sir.

Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.

Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.

Q You stopped just inside the Cherokee Nation? A Yes, sir.

Q Up there on Russell Creek? A Yes, sir.

Q In the spring of '66? A Yes, sir.

Q What month? A I don't know exactly as I can name the month.

Q How long did you stop up there? A We stayed all the summer of '66.

Q What did you do in the fall? A In the fall we moved to Horse Creek.

Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.

Q You say you heard of a fight in the fall of '67? A Yes, sir.

Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.

Q How many fights did you ever hear of along about that time?

A That is the only one.

Q You never heard of anybody being killed up there except that?

A Not that year I don't think I did.

Q Now are you positive about that? A I think that is the only fight I heard of.

Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hearing the fellows that done it.

Q Where were the troops from? A Said to be from Van Buren.

Q Were they were troops come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.

Q Federal troops? A Yes, sir.

Q Don't you know there were not any troops at Van Buren in '67?

A I don't know anything about it.

Q You say the troops all right, did you? A I did.

Q How many? A Seemed to me like about 20 or 25.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since this Freedman Court has been in operation?

A No, sir, I have heard of it all along.

Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.

Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q That the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '62? A Yes, sir.

Q You don't mean that? A Yes, sir; '63 I meant to say.

Q The winter of '63; was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '62 or '63? A '63.

Q What month in '63? A I don't recollect the month.

Q Was that in the first part of '63 or the last part of '63?

A I can't tell you exactly.

Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.

Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part

Q You are satisfied of that? A I am not satisfied of it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I don't know about that Horse Creek fight because I was living there.

Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.

Q There has been about three years difference.

G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.

Q What is your age? A My coming birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

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

Q You were born before the war? A Born in 52.

Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Boze place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 18.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Bozer place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Bozer place? A In '65.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Bozer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Well asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 35 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '66? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Bozer place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.

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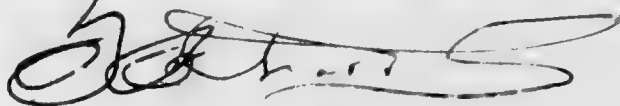
Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

Mr. Hastings: I desire to offer this testimony in the
Arthur Bean case, D-212; Joseph Bean, D-215, Lucy Bean, D-290;
Lewis Martin, D-289; and Fannie Hight, D-207.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 23 13th of August, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 12 1901

[Handwritten signature]

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

2 minutes Oct 12 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Arthur Bean for enrollment as
Freedmen of the Cherokee Nation.

No. C 727 212

Melville
Attorney, for applicant

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

FILED
OCT 26 1901



ACTING CHAIRMAN.

2

NOTICE!

IN THE MATTER OF the application of _____
for enrollment as Cherokee Freedmen
Case No. I. D. _____
To _____

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 Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of _____ Indian Territory, on _____ 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 Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____

W. M. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

File with Cherokee Freedman D-212, Arthur Bean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:

Mellette & Smith, attorneys for applicant;
T. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellette: I am going to offer some additional testimony.

Mr. Hastings: What for?

Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.

Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.

Q How old are you, Mrs. Brown? A I don't know my age exactly.

Q Give an idea? A About 60.

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

Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.

Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.

Q How long have you lived on Grand River? A About 17 years, down there.

Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.

Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.

Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.

Q How did you first learn of that? A There was some men came to my house to stay all night.

Q Who were they? A Kinch West and a band of men.

Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.

Q How many were in that party? A I can't tell you positive.

Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.

Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.

Q Where was that? A Somewhere on the Military road near Horse

Creek.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that Kinch West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1866? A Well, I came home and saw in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk on it but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the courts.

Q Where do you live now? A I live at the Bowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '63.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q How when was the fifth one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the ninth one? A Well I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelfth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q There was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where the Military road crosses Horse Creek? A About 10 or 12 miles.


Q And that was the distance, was it? A About ten or twelve miles.

- Q Had you ever seen Bob Knight up to that time? A No, sir.
- Q You wasn't over there at that time, the Knight place? A I had passed the road.
- Q You saw these folks there? A No, sir.
- Q You didn't see them? A No, sir, I can't call it.
- Q You never saw any of these darkies at that time? A No, sir, I never seen them.
- Q Don't know who they were? A Don't know them.
- Q Don't know who was shot at that time? A No, sir.
- Q Don't know where it was at? A Never was right at the place.
- Q Was it over at this Knight place? A No, sir, not right at the Knight place.
- Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
- Q Kinch West is dead, isn't he? A I suppose so.
- Q You have heard it, haven't you? A Yes, sir, I have heard it.
- Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
- Q Let's have them? A John Wells.
- Q Is he alive? A No, sir.
- Q Well, another one? A Lem Smith.
- Q Is he alive? A No, sir.
- Q Who else? A Well, I can't positively say any other one.
- Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.


Sworn to and subscribed before me this the 25th of October, 1901.


Commissioner.

File with Cherokee Freedmen D-212, Arthur Bean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:

Mellette & Smith, attorneys for applicants;
T. W. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A N. B. Rowe.

Q What is your postoffice, Mr. Rowe? A Rose.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.

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

Q Were you out of the nation during the war? A No, sir.

Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.

Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.

Q Did you know a colored man named George W. Vann? A Yes, I know George.

Q Which George is it you know? A I know George Vann, lives on Spring Creek.

Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.

Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.

Q What knowledge have you that they were killed? A What knowledge have I?

Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw bullet holes in them.

Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.

Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q Were they colored men? A Yes, sir.

Q Who helped to bury them? A A whole lot of colored fellows buried them there.

Q Can you think of those whose names you remember? A There was Gilbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.

Q How many more do you think there were besides those you mentioned?

A I don't know, I never counted them.

Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.

Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George?

A Yes, Spring Creek George was there.

Q Was he one of the men who helped bury those colored men?

A Yes, sir.

Mr. Hastings: You are not positive, are you Mr. Howe, as to the year? A That is the best of my knowledge, that it was '66.

Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '66.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-641.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

[Signature]

Commissioner.

To be filed with C. F. D-212.

R

C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:

Mr. Bellette, of Bellette & Smith, Vinita, I.T., attorneys for the applicants;

W. W. Hastings, of attorneys for the Cherokee Nation.

C. D. MARKHAM, being first duly sworn, and being examined testified as follows:

BY MR. BELLETTE:

Q What is your name? A C. D. Markham.

Q Where do you live? A At Tahlequah, now.

Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.

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

Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.

Q What were you doing? A Selling goods.

Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.

Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darkey in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.

Q Was there more than one? A Yes, sir, I think there was as many as three.

Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.

Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.

Q No; what was in '66 you said? A Yes, sir, I know it was '66.

Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.

Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.

Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.

Q And in the meantime this man Elliott had been killed? A Yes, sir.

Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.

Q That there had been a fight? A Yes, sir.

BY MR. HASTINGS:

Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.

Q You don't know either about Tobe Bean being in it? A No, sir.

Q You never saw Tobe Bean at the time? A No, sir.

Q You don't know what place on Horse Creek it was? A No, sir.

Q That is all you know about it? A Yes, sir, that's all.

Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTTE:

Q You know whether George Bean was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.

Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.

Q What did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.

BY MR. HASTINGS:

Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:

BY MR. MELLETTTE:

Q What is your name? A Joshua Ross.

Q How old are you? A 69.

Q You are a Cherokee by blood? A I am.

Q Where were you in the fall of '66, and the winter of '66?

A I was at Fort Gibson, and Tahlequah.

Q Were you at any time up about Locust Grove, a store up there?

A Yes, sir.

Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.

Q You mean was it in December '66 or along there in '67? A Yes, sir.

Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.

Q Was that after or before this man Elliott was killed? A It was after he was killed.

Q Now do you know George Vann? A I do.

Q Did you see him along about that time? A Yes, sir.

Q When? A I saw him there at this time.

Q While you were taking these claims? A Yes, sir.

Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.

MR. HASTINGS waives cross-examination.

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

BY MR. MELLETTTE:

Q What is your name? A S. S. Stephens.

Q What is your age? A I am about 64 years old, 63 or 4.

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

Q Where were you in the year '66? A I was here in the Cherokee Nation, that is in the Cherokee Nation, near Fort Gibson.

Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.

BY MR. HASTINGS:

Q George Vann alive? A Yes, sir.

BY MR. MELLETTTE:

Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not here and he gets his information through George Vann and that's George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '66; I wrote the order myself. I remember giving the order for here, I was elected school superintendent.

Q How long a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.

Q Did you know Tobe? A Tobe, I mean. I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. HPLETTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides?

A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A

No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.

Q You told me about it? A Yes, sir.

Q And you told me you knew it too? A You never asked me.

Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,-- it was Sam's wife I think, she was there at Rachel's.

Q And I sent you over there? A Yes, sir.

Q And you come back and told me it wouldn't do? A I come back and told you I thought these people were here at home when they got back.

Q You never told me anything you knew about it? A You never asked me a single thing.

Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.

Q This question was largely discussed at that time? A Yes, sir.

Q Well, you never told me you knew those facts you testify about now?

A Never did I say a word to you about it.

Q How long were you with us? A Was with you during the whole time, that is from Vinita down.

Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.

Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.

Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.

Q You saw Tobe Bean in '66? A Yes, sir.

Q There? A Up here at Island Ford.

Q Living there? A I suppose living right there yet.

Q He was living there? A Yes, sir.

Q Are you positive about it? A No, I wouldn't say I am positive about it, he did live there; yes he did.

Q Have you ever been tried in any courts for anything? A No, sir.

Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now,

you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

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

(Signed) L. D. GREEN.

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

[Faint handwritten text]

Subscribed and sworn to before me this 12th day of April, 1902.

[Handwritten signature]
Notary Public.

Cherokee Freedmen D 212.

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

In the matter of the application of Arthur Bean for enrollment as a Cherokee Freedman.

D E C I S I O N .

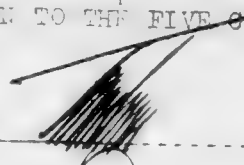
The record herein shows that on May 8, 1901, Arthur Bean appeared before the Commission at Vinita, Indian Territory, and made application for enrollment as a Cherokee Freedman. Copies of the testimony taken at various times in the case of Tobias Bean, et al., Cherokee Freedmen D 205, are made a part of the record herein.

The evidence shows that Arthur Bean was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he went out of the Cherokee Nation, but returned thereto with the party of colored persons who participated in what is known as the "Horse Creek Fight" which, as the evidence shows, occurred in the autumn of 1866. Hence it is considered that the applicant returned to the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation.

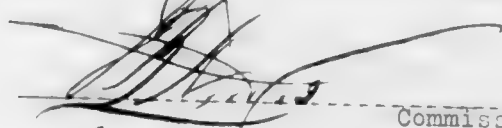
The evidence further shows that the applicant has resided in said Nation continuously since his return thereto as above mentioned.

It is, therefore, the opinion of this Commission that Arthur Bean should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section 21 of the Act of Congress, approved June 26, 1898 (30 Stats., 496), and it is so ordered.

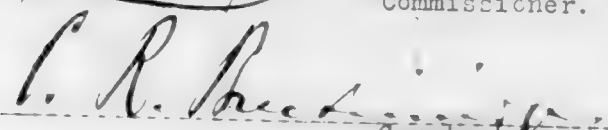
COMMISSION TO THE FIVE CIVILIZED TRIBES.



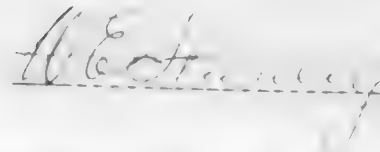
Chairman.



Commissioner.

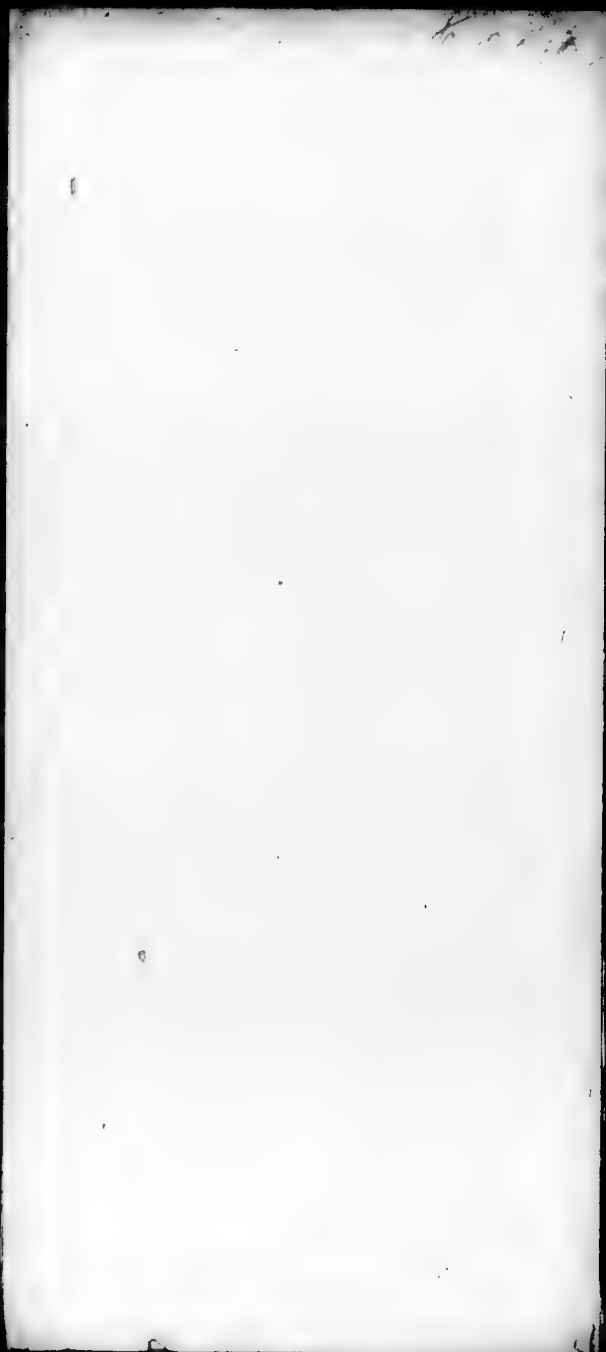


Commissioner.



Commissioner.

Muskogee, Indian Territory,
this NOV 5 1904



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Arthur Bean,
Vinita, I.T.
Cherokee F-D-212
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

(Copy)

WAR DEPARTMENT,

WASHINGTON , November 21, 1902

R/was
461224 A .G.O.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

In reply to your communication of the 5th instant, in which you request to be informed of the date of a fight known as the "Horse Creek Fight" which is supposed to have occurred in the Cherokee Nation, Indian Territory, during the year 1866 or 1867, I have the honor to inform you that there is nothing of record in this Department to show that such a fight ever occurred or if it did that any United States troops participated therein.

In this connection your attention is invited to the enclosed memorandums and to the copies of Post Orders issued from Fort Gibson, Cherokee Nation, during the months of July, September and October, 1866.

It does not appear that any troops were ever stationed at Vanburen, Arkansas, except as stated in the memorandum referred to, and then only temporarily as incidental to a march from Fayetteville, Arkansas to Dover, Arkansas.

As it is possible that the records of the 19th U. S. Infantry may contain some mention of this Matter, the details referred to in Special Orders Nos. 50 and 53, Fort Gibson, C.N., series of 1866, having been made from that regiment, your communication has been referred to the commanding officer thereof, and upon receipt of report, the result will be communicated to you.

Very respectfully,

Elihu Root,

Secretary of War.

5 Enclosures.

R/was

461224 A.G.O.

(Copy)

Memorandum.

A careful examination of the returns of Fort Gibson, C. N., for 1866 and 1867, referred to in the memorandum from the Orders, etc., Division, discloses nothing to show that the detachments referred to in Special Orders Nos. 50 and 53, series of 1866, Fort Gibson, C. N., were ever sent out, or if they were, that any report of the service was made. Assisted by Mr. Heitman, I carefully examined every return on file in the Returns Division, that would show that any such service had ever been rendered, but the result was nil. In addition, I have examined the reports of the Secretary of War, and of the respective Division and Department Commanders, for the years 1866, 1867, 1868, but in none of them was there found any reference to such an expedition or fight as that referred to in the letter from the Secretary of the Interior. I have also carefully examined the Index to the "Congressional Globe" for the years above mentioned, but find nothing relating to the matter.

The memorandum from the Rolls Division does not throw any light on the matter; it merely makes mention of the fact that U.S. troops had stopped at Vanburen, Ark., in September 1866, but as that was merely an incidental camping of troops, while en route to another station, it cannot have any bearing on the question at issue. There is no record of any troops ever having been stationed at Vanburen, nor that any were ever sent from that place for the purpose mentioned. In fact, it was manifestly impossible that there should have been, Vanburen never having been a station for U. S. Troops. There is also a mention of Major J. B. Mulligan's expedition to the Chickasaw Nation, in July 1866, for the same purpose as the expeditions mentioned in the Fort Gibson special orders above referred to. That expedition, however, had no connection with the case referred to as the "Horsecreek Fight."

It is probable that matters of that nature were attended to by a body of mounted soldiers detailed to assist the civil authorities, and if the case in question was so attended to, then the record of the affair should be in the archives of the Indian Department. General Sherman, in his annual report for the year 1867, refers to a report of Indian affairs, made by General H. B. Buford, Special Commissioner of Indian Affairs, at Washington, D. C., June 6, 1867, relating to some outrages that had been committed (nature not stated), which report was referred to General Sherman by the Secretary of War.

It would seem that occurrences of the nature referred to by the Secretary of the Interior should be covered by the records of that Department for the period mentioned, or those of the Bureau of Indian Affairs. At least, there seems no good reason why the matter should be of record in the War Department.

The result of this investigation, therefore, is that there is nothing of record in this Department, so far as can be ascertained that will throw any light on the matter.

(SEAL)

Miscellaneous Division, A.G.O.
November 15, 1902.

(Copy)

Headquarters Fort Gibson, Indian Territory.
October 5, 1866.

SPECIAL ORDERS.
No. 50.

2nd Lieut. Charles W. Miner, 19th U. S. Infantry, with a detachment of 1 N.C. officer and 6 privates from the mounted patrol, will proceed to the neighborhood of Cincinnati, Arkansas, and aid the civil authorities in the arrest of certain murderers who infest the Cherokee border.

The party will take with them as much subsistence as they can transport, and the Quartermaster will furnish Lieut. Miner with funds to purchase the necessary forage.

By order of Major Iugenbeel:

E.P. EWERS,

1st Lieut, 19th Infantry.
Post Adjutant.

(COPY)

Headquarters Fort Gibson, Ind. Ter.

October 9th, 1866.

SPECIAL ORDERS
No. 53.

1st Lieut. Fred W. Moore, 19th U. S. Infantry, with six enlisted men from the command, mounted, will proceed to Horse Creek, Ind. Ter., and arrest or kill a band of murderers and robbers who infest that neighborhood.

The party will be rationed for ten days and the Quartermaster's Department will furnish the necessary transportation, forage, etc., The teamster will also be armed.

By order of Major Jagenbeel:

F. P. EMERS,

1st Lieut. 19th U.S. Inf.,
Post Adjutant.

COPY.

Cherokee Freedmen

D-212

Muskogee, Indian Territory, November 5, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, granting the application for the enrollment of Arthur Bean as a Cherokee Freedman.

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

Respectfully,

Yours

Tame Bixby.
Chairman.

Encl. S-3

Cherokee Freedmen
D-216.

Muskogee, Indian Territory, December 3, 1904.

Arthur Bean,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, granting your application for enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon the final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

Incl. S-22.

Register.

James E. Davis
Chairman.

Cherokee Freedmen
D-212.

Muskogee, Indian Territory, December 3, 1904.

Edger Smith,
Attorney for Arthur Bean,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, granting the application for the enrollment of Arthur Bean as a Cherokee freedman.

Respectfully,

Lewis Bixby.
Chairman.

Incl. S-23.

Register.

Clerke Freedmen D-212.

I have made the letter referred to by "B.C.J." a part of the record in this case.

C. V. BER.

August 5, 1904.

The Commission has received a letter from the War Department from which it appears that the fight on Horse Creek took place in 1866. The decision in this case is OK, but I think the letter from the War Department should be made a part of the record, as there is very strong testimony that the fight occurred in 1867.

4/9/04

B. C. J.

Cher Fr 1421

Trans. from Cher Fr D 215

Cher Fr 1421

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 9, 1901.

In the matter of the application of Joe Bean for enrollment as a Cherokee Freedman.

Joe Bean, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Joe Bean.
Q What is your age Mr. Bean? A 54 or 55.
Q What is your post office address? A Spavinaw.
Q In what district do you live? A Saline.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or nation? A No, sir.
Q Did you ever draw any money from any other tribe or nation? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A I has in elections.
Q Is your name upon the roll of 1860? A I don't know, sir.
Q Does it appear upon any roll? A I don't know, I expect it is on the Clifton and Kerns roll.
Q You received what is known as the Cherokee strip money? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Mr. Washington Adair.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes, sir.
Q Where to? A Over to Kansas.
Q What part of Kansas? A Went to Anderson County.
Q When did you return? A '66.
Q Are you married? A Yes, sir.
Q You only apply though for yourself? A Yes, sir.
Q Is your wife a Freedman? A Yes, sir.
Q Have you been living in the Cherokee Nat on ever since '66? A Yes, sir.
By W.W.Hastings, attorney for Cherokee Nation: Where did you live before the war? A I lived down in Saline.
Q Near where you live now? A No, sir, about 12 or 14 miles from where I live now.
Q You came here in '66 did you? A Yes, sir.
Q Who did you come back with? A George Vann, and uncle Gilbert out here.
Q You came back with George W. Vann? A Yes, sir.
Q Who else was along in that crowd? A I don't know, but there was a good many.
Q Who else do you remember? A Art and Jake and George and Jack and Sam Vann and Blue Martin, I don't know who all, I can't call all their names.
Q Did they have any wagons along with them? A Yes, sir.
Q Were you married at that time? A No, sir.
Q Your wife wasn't with you? A My first wife was.
Q Were you married to her? A No, sir.
Q Now where did you come to when you first returned? A I came and stopped on Spring Creek.
Q Now who did you live with? A Who did I stop with on Spring Creek, old man Gilbert's folks.
Q Gilbert Vann? A Yes, sir.
Q What Cherokee citizens lived there in the same neighborhood? A Ol Pole and Gul Rowe.
Q How far did you live from Pole and Gul Rowe at that time? A Between a mile and a half, I guess, something north near that.
Q How long did you live on Spring Creek at that time? A I just

stayed there a short time.

Q About how long? A About two weeks.

Q And then where did you? A I came up on the river.

Q Near Island Ford? A Yes, sir.

Q Who were your neighbors there? A Bill Foreman, George Scrapper.

Q What time did you come up on the river at Island Ford, about what time of the year? A In the fall of 1866.

Q October or November? A October or November, I disreme ber what months.

Q The leaves were falling off the trees? A Yes, sir.

Q Now at the time you came from the north they had a fight on Horse Creek in which some colored people were killed and others wounded? A Yes, sir.

Q The same one that Tobe Bean was wounded in, up on Horse Creek?

A Yes, sir.

Commissioner: Why is your name not on the roll of 1880? A I don't know, sir.

Q Did you ever apply to the Council to have it placed on the roll? A Yes, sir.

Q They refused to do it? A Yes, sir, Mr. Daniels was judge then, and he told me to go back home, that he had no use for us, to go back and work our farms, that he had no use for us now, and would let us know when he did have.

Q So your name was never placed on the roll of 1880? A No, sir.

Q Did you draw money on what is known as the Wallace roll?

A Yes, sir.

Q You drew on the Kerns-Clifton roll? A Yes, sir.

Q Have you any witnesses here? A Yes, sir, Mr. Foreman.

By L. B. Bell, attorney for Cherokee Nation: Are you certain it was the Council you applied to, or the Court? A It was to Daniel's Court, I guess; at the time Daniels was judge.

Mr. Hastings: That was about five years after the war? A Yes, sir, something near it.

Commissioner: Did you have a wife named Rachel? A That was my mother.

The 1886 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kerns-Clifton roll examined and the applicant identified thereon, page 130, No. 3231, Cooweescoowee district, as Joe Bean.

William Foreman, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Foreman.

Q What is your age? A 64 past.

Q What is your post office? A Wagoner.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q By blood? A Yes, sir.

Q Do you know Joseph Bean, the applicant? A Yes, sir.

Q How long have you known him? A I don't know exactly, I have known him 25 or 30 years.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Washington Adair.

Q Do you know where Joe Bean went during the war? A Well, I didn't see him during the war, he told me he went north.

Q When did you first see him after the war? A I didn't see him I don't remember just exactly when.

Q Do you know where he was in the year 1866? A No, sir, I don't.

Q Do you know where he was the first of January, 1867? A No, sir.

Joe Bean - 3.

George Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George Vann.
- Q What is your age? A The way Clem Rogers gives it in, he says I'm about 51.
- Q What is your post office address? A Lenapah.
- Q Are you a recognized Freedman citizen of the Cherokee Nation? A Yes, sir.
- Q Is your name on the roll of 1880? A Yes, sir.
- Q Do you know Joseph Bean, the applicant? A Yes, sir.
- Q How long have you known him? A Ever since I was a chap, we were raised up close together.
- Q Was he slave at the beginning of the war between the United States and the Confederacy? A Yes, sir.
- Q Who did he belong to? A Washington Adair.
- Q Was he taken out of the Cherokee Nation during the war? A Yes, sir.
- Q Where to? A Kansas.
- Q When did he return to the Cherokee Nation, do you know? A '66.
- Q How do you know he returned in '66? A He came along with me.
- Q Did you return in '66? A Yes, sir.
- Q Has he been living here in the Cherokee Nation ever since? A To my knowing, ever since, I don't know him to be out anywhere.
- Q Was he married at that time? A No, sir.
- Mr. Hastings: You were born in 1850? A I don't know when I was born, Clem Rogers has got my age.
- Q You testified in a number of cases about coming back here? A I have that.
- Q You were 16 years old in '66? A Yes, sir, I guess I was.
- Q About how many were along in that party? A I don't know, I never counted them, there was a good many of us along.
- Q Forty or fifty? A That is just my judgment.
- Q Was there quite a number of old men along? A There was a few old men, most of them was boys.
- Q Some of them was through the war? A Yes, sir.
- Q You were not in the war? A No, sir.
- Q You have testified in other cases that when you came back along in this crowd you were elected captain? A That is what I was.
- Q Although there were a number of older men and those that had gone through the war? A Mr. Hastings, you were a lawyer when you were a boy, and I was a captain when I was a boy, what is the difference; I can recollect better in my boyhood than I can now.
- Q You had a fight up here somewhere on Horse Creek as you came along? A Yes, sir, we had a fight.
- Q Along about where was that? A On Horse Creek, on the other side of Horse Creek, on the other side of old man Knight's place.
- Q Did William Trot live up there? A I don't know.
- Q There was a house there? A Old man Gilstrap, we had stopped at his house and had dinner.
- Q How far was that from there? A Maybe two or three miles.
- Q And that is the time you have reference to when Joe Bean came along with you coming on back? A Yes, sir.
- Q About what time of the year was that? A Well, it was either the last of September or the first of October, I don't recollect which one.
- Mr. Bell: Did you say old man Gilstrap, where you had dinner was at Gilstrap's place? A No, sir, that was along up on the prairie, I knowed him when I was a chap and he knew me and I went and got some beef there.
- Commissioner: You and Joe Bean came back together? A Yes, sir.
- Q You were both slaves during the war? A Yes, sir.
- Q Who did you belong to? A Katie Vann.
- Q Not the same one he belonged to? A No, sir.
- Q You are on the roll of 1880? A Yes, sir.
- Q Has Joe Bean as much right to be on the roll of 1880 as you have? A Yes, sir, I think so, he came along with e.

Joe Bean - 4.

Joe Bean, recalled, testified as follows:

Commissioner: Have you got any other witnesses? A Lou Bean.

Mr. Hastings: What was your father's name? A Sandy Bean.

Lou Bean, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lou Bean.

Q About how old are you? A 50.

Q What is your post office address? A Vinita.

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

Q A recognized citizen? A Yes, sir.

Q Is your name on the roll of 1880? A Yes, sir.

Q Do you know Joseph Bean, the applicant here? A Yes, sir.

Q How long have you known Joe? A A good while, I knew him in the fall of 1866 and before that.

Q Was he a slave before the war? A Yes, sir.

Q Do you know who he belonged to? A Washington Adair.

Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.

Q Where did he go? A He went in Kansas, I can't tell what place.

Q Do you know when he returned to the Cherokee Nation? A Yes, sir.

Q When? A Fall of '66.

Q How do you know that? A He came along with me.

Q You came then? A Yes, sir.

Q And he came with you? A Yes, sir.

Q Have you known him ever since then? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir.

Q You are positive he arrived here with you in the year 1866?

A Yes, sir.

Mr. Hastings: Who else came along with you at that time? A Lots of them came along with me,

Q Do you know anything about dates? A No, sir, I don't know nothing at all about them.

Q Do you know one year from another? A When I hear it I know it.

Q What year is this? A I don't know, I know it but I can't call it, I never was taught, got no learning.

Q You came along back with George Vann? A Yes, sir, I came with George Vann.

Q You were with the same crowd of people that came along at that time? A Yes, sir.

Q How far did you live from Joe Bean before the war? A I lived over on Spring Creek and they lived in Saline.

Q About how many miles apart? A I don't know, sir, just how many miles up there.

Q A days ride? A Yes, sir, I guess it was.

Q Was his father Sandy Bean along with him when they came back?

A No, sir, his father wasn't with us.

Q His father was already here? A No, sir, not as I know of; I can't tell about his father, but I can tell about Joe Bean because Joe Bean with me.

Q How old did you say you are? A About 50, as near as I can give it.

Q You were 15 or 16 then? A Yes, sir.

Commissioner: Now Lou, you say you came with Joe Bean? A Yes, sir.

Q You went to Kansas during the war? A Yes, sir.

Q Were you taken out by your master or run away? A No, sir, I went with me Uncle.

Q You were up in Kansas at the close of the war? A Yes, sir.

Q Were there many other colored people up there from the Cherokee Nation? A Yes, sir, a good many.

Q So that circulating around there had you heard that the treaty had passed or you had to be back in the year '66 to get your rights?

A I don't know whether all heard it, but I heard it.

Q That you had to be back in the year 1866 to get your rights?

Joe Bean - 5.

A Yes, sir.

Q That is the reason you know about the year '66? A Yes, sir.

Q And you are certain you came back that year? A Yes, sir.

Q Did the people tell you you came back in time? A Yes, sir.

Q They put you on the roll of 1860? A Yes, sir.

Mr. Hastings: I would like to introduce the records of the special court or commission of the Supreme Court of the Cherokee Nation, 1871, as shown on page 70, the following:

"Cherokee Nation vs. Sandy Bean and family. From evidence the Court decides the claimant and family are not entitled to Cherokee rights or citizenship under the treaty of July, 1866." This is taken from the proceedings of the Court of Thursday, June 8, 1871.

Joe Bean, recalled, testified as follows:

Commissioner: Was your father taken out of the Nation when you were? A He went shortly after.

Q Was your father a slave? A Yes, sir.

Q Who did he belong to? A Jack Bean.

Q How did you happen to go to Kansas? A The Federals took me to Kansas.

Q Was your with your father in Kansas? A Yes, sir.

Q Did you come back with your father? A Yes, sir.

Q Your father was in the same crowd with you when you came back?

A No, sir, I brought him after that.

Q You went up after your father after that? A Yes, sir.

Q I understand you first came back with this crowd that came along with Lou Bean and afterwards went back and brought your father?

A Yes, sir.

Q What time did your father come back? A He came back I think, if I don't mistake, in 1870.

Q He came back long after you? A Yes, sir.

Q You were a minor at that time; you were not of age?

A No, sir.

Q How old were you when you came back? A About 21 or 22 I suppose.

Q You don't know whether your father came back in time or not?

A No, sir, I don't.

Mr. Hastings: About how long was that after you came back here till you went back after your father? A I went back that same fall.

Q And then you had been here some month or more? A No, sir, I hadn't been here but a month.

Q When you went back after your father? A Yes, sir.

Q And you brought him down here that same fall? A No, sir, came the next fall.

Q Did you stay up there till you brought your father? A No, sir I came down and went backwards and forwards.

Q Let me understand you: you came down along in the fall of 1866, according to the testimony? A Yes, sir.

Q You stayed here a little less than a month, or about a month?

A Yes, sir.

Q And then you went back after your father? A Yes, sir.

Q Did you bring him down then? A No, sir, came the next fall.

Q He didn't come that fall? A No, sir.

Q Then did you remain up there? A No, sir, I was going backwards and forwards, here and there.

Q Did you take a wagon up after your father? A Yes, sir.

Q Did he come in that? A No, sir, not just that time when I first went up, and I went again.

Q How long did you stay up in Kansas that time when you went up there? A I don't recollect just how long.

Q About how long? A I don't remember.

Q A month? A Yes, near about a month I guess.

Joe Bean - 6

Q You came back before Christmas? A Yes, sir.

Commissioner: Joseph Bean applies for the enrollment of himself as a Cherokee Freedman. His name is not found upon the authenticated roll of 1880, but is found upon the Kerns-Clifton pay-roll. By reason of the testimony, and the protest of the Cherokee Nation, the name of Joseph Bean will be placed upon a doubtful card for further consideration of the Commission.

Now Mr. Bean, if you have any other testimony at any time in regard to this matter, you can present it, and when the Commission decides as to your case, you will be notified by mail at your post office.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of May, 1901.



Commissioner.

B Ag... -

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

FIELD

MAY 9 1901



A. T. W. CHARMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 9, 1904*
Post Office *Spawnaar St.*
District *Saline*

1. Name *Joseph Bean* Age *5-4*
Owner's name *Washington Adair* Citizenship *Cherokee*
Year *N.C.* Page *130* No. *3231* District *Coos.*

Parents:
Father *Jandy Bean* Citizenship
Mother Citizenship

2. Name of wife
Owner's name *Ann Taylor* Citizenship
Year Page No. District

Parents:
Father Citizenship
Mother Citizenship

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *Mo. 1* Stenographer *B. B. Jones*

Mo. 1 - Out K. Co. roll as Joe Bean

4 D. 215

PLATE

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11 501

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13

NOTICE!

In the matter of the application of *Joe Beaman* for enrollment as a Cherokee Freedman
 Case No. D *215*
 To *W. W. Hastings*

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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Chelsea* Indian Territory, on the following dates, to-wit:

A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this *21st* day of *June* 1901.

W. W. Hastings
Attorney
 A torneys for the Cherokee Nation.

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 *JUN 4* day of *June* 1901. A. D. 1901.
 Subscribed and sworn to before me this *JUN 4* 1901

R. Sequichie
Notary Public

File with Cherokee Freedman, D-215. *Joseph Bean*

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Appearances:

Mellotte & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JESS COCHRAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.

Q What is your age? A About 53.

Q Where were you born? A Here in the Cherokee Nation.

Q Cherokee by blood? A Yes, sir.

Q Did you go out of the Nation during the war? A No, sir.

Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.

Q A brick house there? A Yes, sir.

Q Mr. Cochran, was your father living with you in '65? A Yes, sir.

Q When did your father die? A In the fall of '66, he was killed the 22nd of October.

Q Where was he killed? A On the military road at what was known as the Bob Daniels place.

Q How far was that from the place you are living? A It is about three miles.

Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.

Q Do you know Bob ~~Barisim~~ Knight, who is a witness here in this case?

A No, sir, not that time.

Q You didn't know him then? A No, sir.

Q Do you know him now? A Yes, sir.

Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteau.

Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.

Q After your father was killed? A Yes, sir.

Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.

Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.

Q You made an examination and wasn't anybody living there? A No, sir.

Q Did you have occasion to pass by this same house after that?

A Yes, sir.

Q About how long after this? A It was along in about, I would say about the 10th or 15th of December.

Q Of what year? A The same year.

Q Was anybody living there at that time? A No, sir.

Q Do you know who afterwards lived in that house? A No, sir, I don't.

Q The house that place was called, known as? A Oh yes, I know it was the old man Knight place.

Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand river?
A In the spring of '67.

Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee Nation?

Mr. Mellette: I object to the question as not material in this case. It is pure hearsay.

Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.

Commissioner: I don't think that is a material question.

Q Did you know of any? A Only just heard of it.

Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.

Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.

Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.

Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.

Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.

Q You didn't know Tobe Bean then? A No, I knew the others that was living there.

Q You were acquainted with the other colored people who were living over there? A Yes, sir.

Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.

Mr. Mellette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.

Q No fights at all? A At that time there wasn't nobody killed?

A Well there was when my father got killed a month before that.

Q Where did he get killed? A On the military road.

Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.

Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.

Q Do you swear that you heard of every fight that occurred?

A Well, I would remember it if I did hear it, I don't think I heard of any.

Q Where did you say you lived along about that time? A On Grand River.

Q How old were you then? A Well, I must have been nearly 20 years old.

Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.

Q Near what place on Grand River now? A I believe they call it the Ketchum place now.

Q On which side of the river were you living? A I would call it on the east side of the river.

Q You ought to know? A That is what it is.

Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.

Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.

Q Were you well acquainted up in that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.

Q Whose place was that? A It was known as the Knight place, it was vacant though.

Q How often had you been up in that country? A Well, I can't tell you just how often I had.

Q I just want to know how often you had been up in that country?

A I had been to that place three times that year.

Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.

Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.

Q You just passed by these places in question? A Yes, sir.

Q Came right through that country? A Yes, sir, came on the military road.

Q Who did you say was with you? A My father when I first got acquainted with the place.

Q Who was with you the last time? A Tom Thompson and old man Johnson.

Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.

Q Were you driving or riding? A In a wagon.

Q You stopped at the spring and passed on; is that all you did?

A Yes, that was about all we done.

Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.

Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.

Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.

Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A Me, no sir.

Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.

Q You say you started out to hunt the people that killed him?

A Yes, sir.

Q And Tom Johnson was with you? A No, that was the last time I was up there.

Q The last time that Tom Thompson was with you? A Yes, sir.

Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th of 15th.

Q You remember now it was the 10th of 15th of December? A Yes, sir.

Q How do you ~~remember~~ happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.

Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.

Q Might not it have been in November? A No, sir, it wasn't in November,

Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.

Q When was it talked about? A This matter came up about the same way at the Clifton Court.

Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.

Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.

Q You testified to the same facts before the Clifton Court you testify to now? A Yes, sir, as near as I can remember.

Q What do you know about it; do you think you gave the same testimony then you do now? A I do.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '66.

Q You are certain of that? A Yes, sir, I let him have the whisk-e; to get drunk on.

Q Well now you know it was in '66 that Mose Bean shot Al Lynch do you, Mose Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell them Mose Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.

Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all; you know where Rowe lived, didn't you? A Old man Dave Rowe?

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '66? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.

Q Delegate to Washington? A Yes, sir.

R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 54.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 25 years.

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

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Ho'as Creek.

Q What district is that in? A Delaware district.

Q Was there any road that run by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, had some negroes passed your place prior to that time?

A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tobe Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that? A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two or a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road run right by it? A Not by the Thompson place.

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '66, and that he was the fellow shot in that fight in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tobe Bean, the applicant?

A Yes, sir; I think that is the remark, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew his name, but I didn't know him, I could have picked him out.

Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The man I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trott.

Q What is your age? A 62.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '66.

Q Where did you live that spring? A On Russell Creek.

- Q How far is that from Chetopa, Kansas? A About four miles.
- Q What direction from Russell Creek? A We lived on Russell Creek.
- Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.
- Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.
- Q Do you know the applicant, Tobe Bean? A I have seen him, I don't know as I am acquainted with him.
- Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
- Q When did you hear of that? A It was in the fall of '67.
- Q How far were you living from the Knight place at that time? A About four miles.
- Mr. Mellette: Now Mr. Trott, do you remember that you came back here in the spring of '66? A I think I do.
- Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.
- Q Where did you come from? A Kansas.
- Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
- Q Where did you stay? A In Woodson County.
- Q Who did you live with up there? A My father and mother.
- Q What time did you start back here in '66? A It was in the spring.
- Q In the spring of '66; how did you come? A In wagons.
- Q Travel through the country? A Yes, sir.
- Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
- Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
- Q Which way did you come; come by Vinita? A We came on the Neosho River.
- Q Did you come by Vinita? A No, sir.
- Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
- Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
- Q You stopped just inside the Cherokee Nation? A Yes, sir.
- Q Up there on Russell Creek? A Yes, sir.
- Q In the spring of '66? A Yes, sir.
- Q What month? A I don't know exactly as I can name the month.
- Q How long did you stop up there? A We stayed all the summer of '66.
- Q What did you do in the fall? A In the fall we moved to Horse Creek.
- Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
- Q You say you heard of a fight in the fall of '67? A Yes, sir.
- Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.
- Q How many fights did you ever hear of along about that time? A That is the only one.
- Q You never heard of anybody being killed up there except that? A Not that year I don't think I did.
- Q Now are you positive about that? A I think that is the only fight I heard of.
- Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
- Q Where were the troops from? A Said to be from Van Buren.
- Q ~~From~~ They were troops come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.

Q Federal troops? A Yes, sir.

Q Don't you know there were not any troops at Van Buren in '67?

A I don't know anything about it.

Q You say the troops all right, did you? A I did.

Q How many? A Seemed to me like about 20 or 25.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since this Freedman Court has been in operation?

A No, sir, I have heard of it all along.

Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.

Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q That the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '63? A Yes, sir.

Q You don't mean that? A Yes, sir; '63 I meant to say.

Q The winter of '63: was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '62 or '63? A '63.

Q What month in '63? A I don't recollect the month.

Q Was that in the first part of '63 or the last part of '63?

A I can't tell you exactly.

Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.

Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part

Q You are satisfied of that? A I am not satisfied of it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I don't know about that Horse Creek fight because I was living there.

Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.

Q There has been about three years difference.

G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.

Q What is your age? A My coming birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. With: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

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

Q You were born before the war? A Born in 52.

Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Boze place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 18.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Bozer place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Bozer place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Bozer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 35 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '66? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Bozer place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.

Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-212; Joseph Bean, D-215, Lucy Bean, D-290; Lewis Martin, D-289; and Fannie Hight, D-207.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones
Sworn to and subscribed before me this the 13th of August, 1901.


Commissioner.

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COMMISSIONERS:
HENRY L. DAWKS,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRILL.

ALLISON I. AYRESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

7 miles Oct 15 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
J. E. Dean for enrollment as
Freedmen of the Cherokee Nation.


No.

0.72.215

J. P. M. M. M. M. M.
Agent for Applicant

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 25 1901

A handwritten signature in dark ink, appearing to be "W. H. ...", written over the "FILED" stamp.

AG CHAIRMAN

NOTICE!

IN THE MATTER OF the application of _____
for enrollment as Cherokee Freedmen.

Case No. F. D. 145

To _____

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 Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of _____ Indian Territory, on _____ 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 Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____ A. D. 1901.

L. B. Bell

M. W. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

File with Cherokee Freedman D-215, Joseph Bean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellette: I am going to offer some additional testimony

Mr. Hastings: What for?

Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.

Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.

Q How old are you, Mrs. Brown? A I don't know my age exactly.

Q Give an idea? A About 60.

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

Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.

Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.

Q How long have you lived on Grand River? A About 17 years, down there.

Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.

Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.

Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.

Q How did you first learn of that? A There was some men came to my house to stay all night.

Q Who were they? A Kinch West and a band of men.

Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.

Q How many were in that party? A I can't tell you positive.

Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.

Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.

Q Where was that? A Somewhere on the Military road near Horse

Creek.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that Kinch went and his crowd come to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1866? A Well, I came home as a cow in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard said of it but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the courts.

Q Where do you live now? A I live at the Bowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden's name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '63.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifth one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the ninth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelfth one? A I don't know, I can't count them, all of them.

Q Thirteenth one? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And the distance, was it? A About ten or twelve miles.

- Q Had you ever seen Bob Knight up to that time? A No, sir.
- Q You wasn't over there at that time, the Knight place? A I had passed the road.
- Q You saw these folks there? A No, sir.
- Q You didn't see them? A No, sir, I can't call it.
- Q You never saw any of these darkies at that time? A No, sir, I never seen them.
- Q Don't know who they were? A Don't know them.
- Q Don't know who was shot at that time? A No, sir.
- Q Don't know where it was at? A Never was right at the place.
- Q Was it over at this Knight place? A No, sir, not right at the Knight place.
- Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
- Q Kinch West is dead, isn't he? A I suppose so.
- Q You have heard it, haven't you? A Yes, sir, I have heard it.
- Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
- Q Let's have them? A John Wells.
- Q Is he alive? A No, sir.
- Q Well, another one? A Lem Smith.
- Q Is he alive? A No, sir.
- Q Who else? A Well, I can't positively say any other one.
- Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

Druce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Druce C. Jones
Sworn to and subscribed before me this the 25th of October, 1901.

[Signature]
Commissioner.

File with Cherokee Freedmen E-215, Joseph Bean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:

Mellette C. Smith, attorneys for applicants;
W. F. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A N. B. Rowe.

Q What is your postoffice, Mr. Rowe? A Rose.

Q What is your age? A 50.

Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.

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

Q Were you out of the nation during the war? A No, sir.

Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.

Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.

Q Did you know a colored man named George W. Vann? A Yes, I know George.

Q Which George is it you know? A I know George Vann, lives on Spring Creek.

Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.

Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.

Q What knowledge have you that they were killed? A What knowledge have I?

Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw bullet holes in them.

Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.

Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q Were they colored men? A Yes, sir.

Q Who helped to bury them? A A whole lot of colored fellows buried them there.

Q Can you think of those whose names you remember? A There was Gilbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.

Q How many more do you think there were besides those you mentioned?

A I don't know, I never counted them.

Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.

Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George?

A Yes, Spring Creek George was there.

Q Was he one of the men who helped bury these colored men?

A Yes, sir.

Mr. Hastings: You are not positive, are you Mr. Howe, as to the year? A That is the best of my knowledge, that it was '66

Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '66

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old knif place? A No, sir. I don't know where it occurred.

Q How old were you then? A I don't know, but I have been 17 or 18 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Not out of the United States, so I wasn't out of it.

Q There was no date to mark your return? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-641.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 9th of November, 1901.



Commissioner

To be filed with C. F. D-215.

R

C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:

Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
W. F. Hastings, of attorneys for the Cherokee Nation.

C. D. MARKHAM, being first duly sworn, and being examined testified as follows:

BY MR. MELLETTE:

Q What is your name? A C. D. Markham.

Q Where do you live? A At Tahlequah, now.

Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.

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

Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.

Q What were you doing? A Selling goods.

Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.

Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darkey in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.

Q Was there more than one? A Yes, sir, I think there was as many as three.

Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.

Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.

Q Now that was in '66 you said? A Yes, sir, I know it was '66.

Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.

Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.

Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.

Q And in the meantime this man Elliott had been killed? A Yes, sir.

Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.

Q That there had been a fight? A Yes, sir.

BY MR. HASTINGS:

Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.

Q You don't know either about Tobe Bean being in it? A No, sir.

Q You never saw Tobe Bean at the time? A No, sir.

Q You don't know what place on Horse Creek it was? A No, sir.

Q That is all you know about it? A Yes, sir, that's all.

Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:

Q You know whether George Bean was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann dorkies, but I don't remember what his name was.

Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.

Q Ther did you see George Vann after that? A I coul n't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.

BY MR. HASTINGS:

Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:

BY MR. MELLETTE:

Q What is your name? A Joshua Ross.

Q How old are you? A 69.

Q You are a Cherokee by blood? A I am.

Q Where were you in the fall of '66, and the winter of '66?

A I was at Fort Gibson, and Tahlequah.

Q Were you at any time up about Locust Grove, a store up there?

A Yes, sir.

Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.

Q You mean was it in December '66 or along there in '67? A Yes, sir.

Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.

Q Was that after or before this man Elliott was killed? A It was after he was killed.

Q Now do you know George Vann? A I do.

Q Did you see him along about that time? A Yes, sir.

Q Where? A I saw him there at this time.

Q While you were taking these claims? A Yes, sir.

Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.

MR. HASTINGS waives cross-examination.

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

BY MR. MELLETTE:

Q What is your name? A S. S. Stephens.

Q What is your age? A I am about 64 years old, 63 or 4.

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

Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.

Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.

BY MR. HASTINGS:

Q George Vann alive? A Yes, sir.

BY MR. MELLETTE:

Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '86; I wrote the order myself. I remember making the order for more, I was elected school superintendent,--

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '86 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.

Q Did you know Tobe? A Tobe, I mean. I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '86, when they first come down in the Nation, I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTE:

Q Then Art and Tobe Bean were here in '86? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '86? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claramore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.

Q You told me about it? A Yes, sir.

Q And you told me you knew it too? A You never asked me.

Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan; what they testified about it here, looking it up, you sent me over to see, - it was Sam's wife I think, who was there at Rachel's.

Q And you sent you over there? A Yes, sir.

Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.

Q You never told me anything you knew about it? A You never asked me a single thing.

Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.

Q This question was largely discussed at that time? A Yes, sir.

Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.

Q How long were you with us? A Was with you during the whole time, that is from Vinita down.

Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.

Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.

Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.

Q You saw Toke Bean in '66? A Yes, sir.

Q Where? A Up here at Island Ford.

Q Living there? A I suppose living right there yet.

Q He was living there? A Yes, sir.

Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.

Q Have you ever been tried in any courts for anything? A No, sir.

Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now,

you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-611, D-340, D-641.

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

(Signed) M. D. GREEN.

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 instrument,

[Faint, illegible handwritten text]

Subscribed and sworn to before me this 12th day of April, 1922.

[Handwritten signature]
Notary Public.

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

In the matter of the application for the enrollment of Sallie Johnson et al., as Cherokee freedmen, consolidating the applications of:

Sallie Johnson
Neatie Martin
Joseph Bean,
Houston Martin
Tobe Martin
Lewis Martin
Rachel Vann
Neatie Lynch

Cherokee Freedmen D-209
Cherokee Freedmen D-213
Cherokee Freedmen D-215
Cherokee Freedmen D-388
Cherokee Freedmen D-389,
Cherokee Freedmen D-390
Cherokee Freedmen D-412
Cherokee Freedmen D-414.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Evans Johnson for his wife Sallie Johnson, among others, but the other parties to this application being differently classified are not embraced in this decision; by Neatie Martin for herself; by Joseph Bean for himself; by Houston Martin for himself; by Tobe Martin for himself; by Lewis Martin for himself; by Rachel Vann for herself, and by Neatie Lynch for herself. The testimony taken at various times and places in the matter of the application for the enrollment of Tobias Bean et al., as Cherokee freedmen, is made a part of the record in this case.

The evidence shows that the applicants, Neatie Martin, Joseph Bean and Rachel Vann, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation; that the said Joseph Bean returned thereto and established a residence therein within the time specified in the decree of the Court of claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants Neatie Martin and Rachel Vann, did not return to and establish a residence in said Nation within the time specified in the said decree of the Court of Claims. The applicants, Sallie Johnson, Houston Martin and Tobe Martin, have been born since 1866, and are the children of said Neatie Martin; and have only such rights as are possessed by her. The applicant, Lewis Martin is a son of Neatie Martin and returned to the Cherokee Nation with his said mother. The said Neatie Lynch is the daughter of Sam Vann, who is identified on the 1860 authenticated Cherokee roll as a Cherokee freedman. It is presumed from this enrollment that the said Sam Vann complied with all the provisions of the Cherokee treaty of 1866, and

the applicant, Neatie Lynch, having been born since 1866, is possessed of the same rights to enrollment as her father.

The evidence further shows that the said Joseph Bean has resided continuously in the Cherokee Nation since his return thereto, and the applicant, Neatie Lynch, has resided continuously therein since her birth.

It does not appear that any of the applicants herein are identified on the 1866 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that Joseph Bean and Neatie Lynch should be enrolled as Cherokee freedmen, and that the applications for the enrollment of Sallie Johnson, Neatie Martin, Houston Martin, Tobe Martin, Lewis Martin and Rachel Wann as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1899, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE NINE CIVILIZED TRIBES.

(Signed) Tamm C. Bixby
Chairman

(Signed) T. F. Needles
Commissioner.

(Signed) W. M. Breckinridge
Commissioner

Witness my hand and the seal of the Commission,
this _____ day of _____, 190_____.

DEPARTMENT OF THE INTERIOR?
COMMISSION TO THE FIVE CIVILIZED TRIBES;

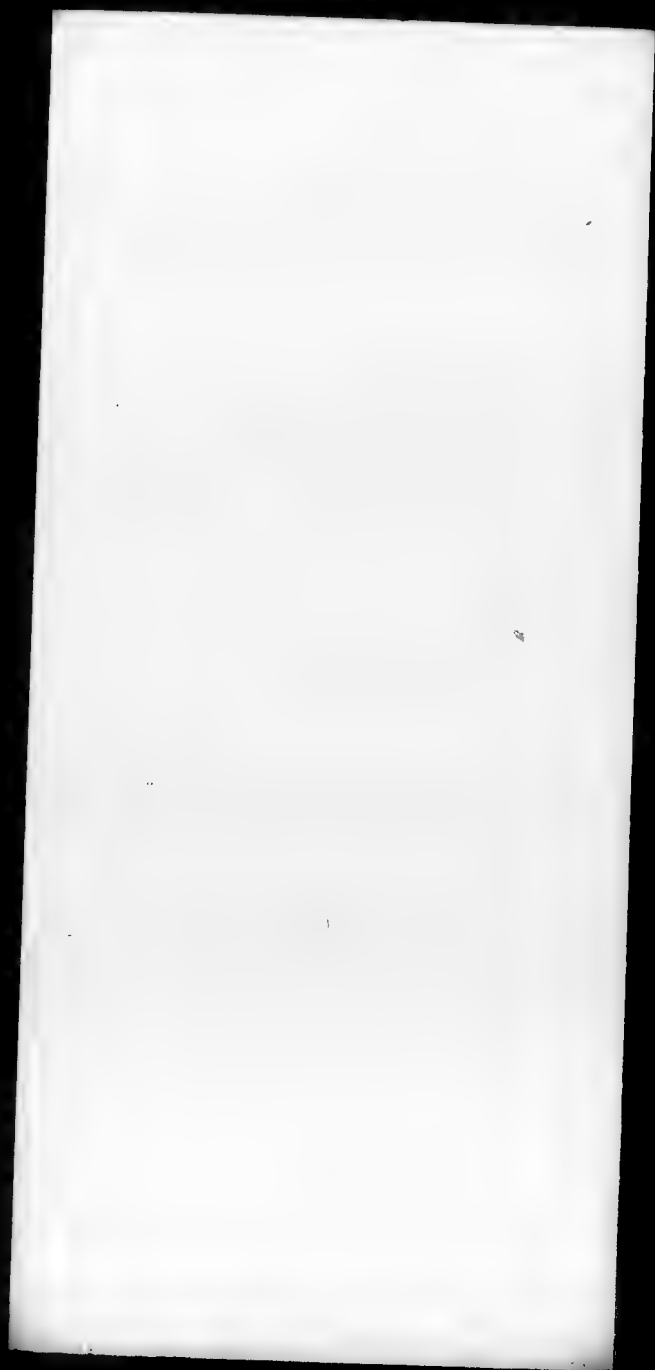
In the matter of the application for the enrollment of
Joseph Bean F. D. 215.
Heatie Lynch, F. D. 414.

Protest.

The Cherokee Nation respectfully protests against the decision of
the Commission ordering Joe Bean and Heatie Lynch Enrolled as Cherokee
Freedmen and prays an Appeal to the Honorable Secretary of the Interior.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joseph Bean,
Spavinaw, I. T.
Cherokee F-D-215
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,

Commissioners.

(Copy)

HORSE CREEK FIGHT.

R/was
461224 A.G.O.

WAR DEPARTMENT--WASHINGTON, November 21, 1902.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

In reply to your communication of the 5th instant, in which you request to be informed of the date of a fight known as the "Horse Creek Fight" which is supposed to have occurred in the Cherokee Nation, Indian Territory, during the years 1866 or 1867, I have the honor to inform you that there is nothing of record in this Department to show that such a fight ever occurred or if it did, that any United States troops participated therein.

In this connection your attention is invited to the enclosed memorandum and to the copies of Post Orders issued from Fort Gibson, Cherokee Nation, during the months of July, September and October, 1866.

It does not appear that any troops were ever stationed at Vanburen, Arkansas, except as stated in the memorandum referred to, and then only temporarily as incidental to a march from Fayetteville, Arkansas, to Dover, Arkansas.

As it is possible that the records of the 19th U.S. Infantry may contain some mention of this matter, the details referred to

--B--

in Special Orders Nos. 50 and 53, Fort Gibson, C. H., series of 1866, having been made from that regiment, your communication has been referred to the commanding officer thereof, and upon receipt of report, the result will be communicated to you.

Very respectfully,

Elihu Root,

Secretary of War.

5 Enclosures.

R/was

461224 A.G.O.

(Copy)

Memorandum

A careful examination of the returns of Fort Gibson, C.N., for 1866 and 1867, referred to in the memorandum from the Orders, etc., Division, discloses nothing to show that the detachments referred to in Special Orders Nos. 50 and 53, series of 1866, Fort Gibson, C.N., were ever sent out, or if they were, that any report of the service was made. Assisted by Mr. Heitman, I carefully examined every return on file in the Returns Division, that would show that any such service had ever been rendered, but the result was nil. In addition, I have examined the reports of the Secretary of War, and of the respective Division and Department Commanders, for the years 1866, 1867, 1868, but in none of them was there found any reference to such an expedition or fight as that referred to in the letter from the Secretary of the Interior. I have also carefully examined the Index to the "Congressional Globe" for the years above mentioned, but find nothing relating to the matter.

The memorandum from the Rolls Division does not throw any light on the matter; it merely makes mention of the fact that U.S. troops had stopped at Vanburen, Ark., in September, 1866, but as that was merely an incidental camping of troops, while en route to another station, it cannot have any bearing on the question at issue. There is no record of any troops ever having been stationed at Vanburen, nor that any were ever sent from that place for the purpose mentioned. In fact, it was manifestly impossible that there should have been, Vanburen never having been a station for U.S. troops. There is also a mention of Major J.B. Mulligan's expedition to the Chickasaw Nation, in July, 1866, for the same purpose as the expeditions mentioned in the Fort Gibson special orders above referred to. That expedition, however, had no connection with the case referred to as the "Horsecreek Fight."

It is probable that matters of that nature were attended to by a body of mounted soldiers detailed to assist the civil authorities, and if the case in question was so attended to, then the record of the affair should be in the archives of the Indian Department. General Sherman, in his annual report for the year 1867, refers to a report of Indian affairs, made by General N.E. Buford, Special Commissioner of Indian Affairs, dated Washington, D. C., June 6, 1867, relating to some outrages that had been committed (nature not stated), which report was referred to General Sherman by the Secretary of War.

It would seem that occurrences of the nature referred to by the Secretary of the Interior should be covered by the records of that Department for the period mentioned, or those of the Bureau of Indian Affairs. At least, there seems no good reason why the matter should be of record in the War Department.

The result of this investigation, therefore, is that there is nothing of record in this Department, so far as can be ascertained, that will throw any light on the matter.

Miscellaneous Division, A.G.O.

(SEAL)

November 15, 1902.

(Copy)

Headquarters Fort Gibson, Indian Territory,

October 5, 1866.

SPECIAL ORDERS
No. 50.

2nd Lieut. Charles W. Minor, 19th U.S. Infantry, with a detachment of 1 W. C. officer and 6 privates from the mounted patrol, will proceed to the neighborhood of Cincinnati, Arkansas, and aid the civil authorities in the arrest of certain murderers who infest the Cherokee border.

The party will take with them as much subsistence as they can transport, and the Quartermaster will furnish Lieut. Minor with funds to purchase the necessary forage.

By order of Major Lugenboel:

E. P. EWERS,

1st Lieut. 19th U.S. Infantry,
Post Adjutant.

(Copy)

Headquarters Fort Gibson, Ind. Ter.

October 9th, 1866.

SPECIAL ORDERS
No. 53.

1st Lieut. Fred. W. Moore, 19th U.S. Infantry, with six enlisted men from the command, mounted, will proceed to Horse Creek, Ind. Ter., and arrest or kill a band of murderers and robbers who infest that neighborhood.

The party will be rationed for ten days and the Quartermaster's Department will furnish the necessary transportation, forage, etc. The teamster will also be armed.

By order of Major Lugonboel:

E. P. EWERS,

1st Lieut. 19th U.S. Inf.,
Post Adjutant.

Cherokee Freedmen

D-209, et al.

Mustoge, Indian Territory, July 23, 1904.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Sallie Johnson, et al., granting the applications for the enrollment of Joseph Bean and Beatie Lynch as Cherokee freedmen, and rejecting the other applicants mentioned therein.

You will be allowed 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 protest 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,

Encl. S-80.

Commissioner in Charge.

Cherokee Freedmen

D-209, et al.

COP

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Sallie Johnson, et al., including the Commission's decision, dated July 23, 1904, rejecting the applications for the enrollment of Sallie Johnson and Neatie, Houston, Tobe and Lewis Martin, and Rachel Vann, and granting the applications for the enrollment of Joseph Bean and Neatie Lynch as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, in so far as it grants the enrollment of Joseph Bean and Neatie Lynch, a copy of which protest is enclosed.

Respectfully,

I. E. Woodles

Commissioner in Charge.

Encl. S-86.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-215.

Muskogee, Indian Territory, August 17, 1904.

Joseph Bean,

Spavinaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, granting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent, J. R. Sequichie, Chelsea, Indian Territory, 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 heretofore 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. S-78.

Register.


Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply OFFICE OF INDIAN AFFAIRS,
to the following:

WASHINGTON, September 28, 1904.

Land.

57362-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904 transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Sallie Johnson for herself; by Neatie Martin for herself; by Joseph Bean for himself; by Houston Martin for himself; by Tobe Martin for himself; by Lewis Martin for himself; by Rachel Vann for herself; and by Neatie Lynch for herself.

July 23, 1904, the Commission decided favorably to Joseph Bean and Neatie Lynch and adversely to the other applicants.

The record shows that the applicants, Neatie Martin, Joseph Bean and Rachel Vann were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation; that Joseph Bean returned prior to February 11, 1867, and established a residence in the Nation; that the applicants, Neatie Martin and Rachel Vann did not return on or before February 11, 1867.

The applicants, Sallie Johnson, Houston Martin and Tobe Martin were born since 1866 and are the children of, and claim their right to enrollment through their mother, the said Neatie Martin, and have only such rights as are possessed by her. The said Neatie Lynch, is the daughter of Sam Vann, who is identified on the 1880 authenticated Cherokee roll, as a Cherokee freedman, and the said Neatie Lynch, having been born since 1866, is possessed of the same rights as her father.

The evidence shows that Joseph Bean has resided continuously in the Cherokee Nation since his return thereto, and that Neatie Lynch has resided there continuously since her birth.

None of the applicants is identified on the 1880 authenticated Cherokee roll. All of the applicants, except Rachel Vann and Neatie Lynch are identified on the Kern-Clifton roll and Tobe Martin, Lewis Martin and Neatie Lynch are identified on the Wallace roll.

In view of the record the approval of the Commission's decision favorable to Joseph Bean and Neatie Lynch and adversely to all the others is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W. C. F.
Y. P.
FHE

D. C. 45294-1904

WASHINGTON. November 19, 1904.

I. T. D. 8590-1904.

LRS.

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

Gentlemen:

On August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Sallie Johnson, et al, including your decision of July 23, 1904, which was favorable to the applicants Joseph Bean and Neatie Lynch, and adverse to the other applicants.

The attorney for the Cherokee Nation protests against your decision favorable to Joseph Bean and Neatie Lynch.

Reporting September 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

172

Cherokee Freedmen
D-117.

Muskogee, Indian Territory, December 7, 1904.

Joseph Bean,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, granting, among others, your application for enrollment as Cherokee freedmen, was officially the Secretary of the Interior on October 19, 1904.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen to be prepared by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Secretary.

COPY.

Cherokee Freedmen
D-209, et al.

Muskogee, Indian Territory, December 7, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Sallie Johnson, Houston, Toho, Lewis and Neatie Martin and Rachel Vann, and granting the applications for the enrollment of Joseph Bean and Neatie Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 19, 1904.

Respectfully,

James D. Smith
Chairman.

Cher Fr 1422

Trans. from Cher Fr D414

Cher Fr 1422

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 23d, 1901.

In the matter of the application of Nattie Lynch for enrollment as a Cherokee Freedman; said Lynch being sworn and examined by Commissioner C. E. Breckinridge, testified as follows:

- Q Give me your full name? A Nattie Lynch.
Q How old are you? A 24 years old.
Q What is your post office? A Spavinaw.
Q In what district do you live? A Sabine District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A No, sir.
Q How long have you lived in the Cherokee Nation? A Ever since I have been here, I don't know how long that has been; ever since I opened my eyes I have been here.
Q You have lived here all your life? A Yes, sir.
Q Give me the name of your father? A Sam Vann.
Q Is he alive? A Yes, sir, yonder he sits right yonder.
Q Give me the name of your mother? A Rachel Vann, that was here a while ago.
Q Is your mother alive? A Yes, sir.
Q You have been married have you? A Yes, sir.
Q When were you married? A I have been married eight years.
Q What is the name of your husband? A Lincoln Lynch.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Why don't you apply for him? A He is already enrolled.
Q Why didn't he apply for you? A I don't know, sir, he said he could not find my name.
Q Were you ever married except to this husband? A No, sir.
Q Was he ever married except to you? A No, sir.
Q How old is your husband? A He is about 30 years old I guess.
Q Is this your father here? A Yes, sir, that is what my mother always told me.

SAM VANN, being sworn and examined by Commissioner C. E. Breckinridge, testified as follows:

- Q Give me your name? A Sam Vann.
Q How old are you? A 40 years old.
Q What is your post office? A Chaffee.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation?
A I have been here all my life.
Q Is this woman your daughter? A Yes, sir.
Q Was she born in the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir.
Q Is she a daughter by your wife, Rachel? A Yes, sir.
Q This daughter is married is she? A Yes, sir.
Q To whom is she married? A Link Lynch.
Q How long has she been married to him? I don't know, about eight years I guess, or longer.
Q Was she ever married before she married him? A No, sir.
Q Was he ever married before that? A No, sir.
Q Have they lived together ever since their marriage?
A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's father identified thereon, page 332, #2792, Samuel Vann, Delaware District.

- Q Did you apply for your wife, Rachel when you applied for yourself? A No, sir, she just got through down here a while ago.

Nettie Lynch,--2.

- Q Why didn't you apply for your wife, Rachel? A I didn't know she was on the 1880 roll and I thought maybe her Ma could take her through.
- Q Were you living with your wife in 1880? A Yes, sir.
- Q Why is she not enrolled with you in 1880? A I don't know. Mr Thompson enrolled us and he didn't enroll an body but me, there was five in the family.
- Q If you are 40 years old now do you happen to have a child 24 years old, you didn't have children when you were 16 years old?
- A I was young when I married; I don't know how old I was, but I was quite young.
- Q How old is your wife Rachel? A I don't know just how old she is she is somewhere along about 40 I guess.
- Q Where is she? A She is out here somewhere.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

NETTIE LYNCH, the Applicant, re-called:

- Q Did you draw Cherokee strip money? A No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 186, #3419, Nettie Vann, no district given.

COM'R BRACKENRIDGE:--The applicant is 24 years of age and states that she has lived in the Cherokee Nation all her life. She is not identified upon the roll of 1880 or upon that of 1896, or upon the Kerns-Clifton roll. She is identified on the Wallace roll. Her change of name arising from marriage is established by her own and her father's testimony and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card. For further information in this case, reference is made to the testimony in the applications of her father, Sam Vann, #740, and of her mother, Rachel Vann, #D.412, which applications appear to have been made separately, and this woman's right will also be considered, if she be not found to have the right of enrollment of herself, in connection with her marriage to her husband, Lincoln Lynch. It is shown that neither was previously married and that they have lived together ever since their marriage some eight years ago. When the decision of the Commission is finally made in this case, it will be communicated to the applicant at her post office address.

SAM VANN, the Witness, re-called, further testified:
W. W. HASTINGS, Cherokee Representative:

- Q Sam, who married you to Rachel? A Walker Vann, my brother.
- Q Where were you married? A Art Bean's.
- Q Had your wife ever been married before? A Not as I know of.
- Q Well you know don't you? A No, not as I know of.
- Q Did she ever live with any one as husband and wife? A No, only me.
- Q Well before your marriage? A Not as I know of.
- Q How long had you been knowing her when you married?
- A Been knowing her quite a while.
- Q As much as four or five years? A Yes.
- Q Did she ever have any children before you married her? A No.
- Q Were you living in Delaware district in the year 1880?
- A Yes, sir.
- Q Always lived there? A Yes, sir.
- Q Was this applicant your oldest child? A Yes, sir.
- Q What was the next oldest one? A William

Nettie Lynch.--3.

Q How much younger than the applicant? A I don't know, about two years I guess.

Q Did you ever know any other gam Vann in Delaware District?

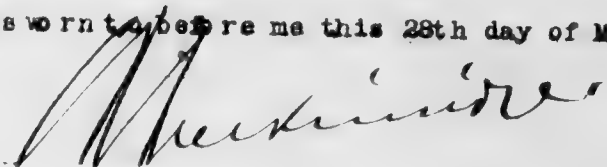
A No, sir, there ain't nary ~~another~~ another one.

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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 28th day of May, 1901.



Commissioner.

7B.

J.S. 414.

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

FILED
MAY 23 1901

A handwritten signature in dark ink, appearing to be "Edward M. ...", is written over the typed text. The signature is cursive and somewhat stylized.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 29, 1901*
Post Office *Spursman St.*
District *Sabine*

N. Name _____ Age _____
Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

17 Name of wife *Mattie Lynch* Age *24*

Owner's name _____ Citizenship _____

Year *Wallace* Page *186* No. *3419* District _____

Parents:

Father *Sam J. J. J. - living* Citizenship *Cher. Freeman*

Mother *Rachel " - living* Citizenship " "

Names of Children:

- 3. Year _____ Page _____ No. _____ Dist. _____
- 4. Year _____ Page _____ No. _____ Dist. _____
- 5. Year _____ Page _____ No. _____ Dist. _____
- 6. Year _____ Page _____ No. _____ Dist. _____
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

Application made by

M. I.

Stenographer

E. C. Rose

On Wallace rolls as Mattie J. J.

N. J. 740 J 18412

To be filed with the case of Neatie Lynch, C. F. -D.#414.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY-23d, 1901.

In the matter of the application of Rachel Vann for enrollment as a Cherokee Freedman; said Vann being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Rachel Vann.
Q How old are you? A I don't know, sir, I am 40 years, as near as I can get at it.
Q What is your post office? A Chaffee.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A No, sir, I guess not.
Q Is it upon any of the rolls? A Wallace Roll.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Sam Vann.
Q Is he living? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q Are you and Sam Vann living together as man and wife?
A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q How long have you been married to Sam Vann? A 25 years.
Q Did you draw what is known as Strip money? A No, sir.
Q What is your father's name? A Will am Martin.
Q What is your mother's name? A Leah Martin.
Q Are they living? A My mother is living.
Q Has she been enrolled? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 186, #3418, Rachel Vann, no district given.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's husband found thereon page 332, #2792, Samuel Vann, Delaware District.

Q You say Leah Martin has been enrolled, your mother? A Yes, sir, Neatie.

BY W. W. HASTINGS: you born before the war? A Yes, sir.

Q About how old were you when the war came up? A I don't know, sir, I was small.

Q Can you remember it? A No, sir.

Q Do you think you were as much as two or three years old, four or five, during the war? A I guess I was two or three years old.

Q Is your father living? A No, sir.

BY COM'R NEEDLES: Have you always lived in the Cherokee Nation?

A Yes, sir.

Q Born and raised in the Cherokee Nation? A Yes, sir, I went to Kansas I guess and come back when Ma did.

Q When were you and Mr. Vann married? A I don't know, when I was married to him, I have been married about 26 years.

Q You are his first wife? A Yes, sir.

COM'R NEEDLES:--Rachel Vann applies for the enrollment of herself. She avers that she is a child of Neatie Martin and that she is now married to Samuel Vann. Samuel Vann, her husband, is duly identified upon the authenticated roll of 1880, as per page and number of the roll as indicated in the testimony. Rachel Martin, the applicant, is identified upon the Wallace Roll. Her name cannot be found upon any other roll. She avers that she is a child of Neatie Martin,

R. V.--2.

and Neatie Martin was enrolled by this Commission as a doubtful citizen on D. C. card #213, and reference is made to the testimony taken in the application of said Neatie Martin and said testimony will be made part of the record in the case now pending and a copy of the same will be filed with the testimony now being taken. Consequently said Rachel Vann will be listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting further consideration of the Commission.

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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 14th day of August, 1901.



Commissioner.

To be filed with case of Neatie Lynch, C. F. -D.#414.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 8th, 1901.

In the matter of the application of Samuel Vann for the enrollment of himself, and five children as Cherokee Freedmen; said Vann being sworn and examined by Commissioner J. B. Needles, testified as follows:

- Q What is your name? A Sam Vann.
Q How old are you? A About 40 Years old I guess.
Q What is your post office address? A Chaffee.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Children.
Q How many children? A Five.
Q Wife? A Yes, sir, she is not on any of the rolls I guess she never did draw any.
Q What is your wife's name? A Rachel.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No, sir.
Q Did you ever draw any money from any other Nation or tribe?
A No, sir.
Q Have you always been recognized by the Cherokee authorities?
A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Give me the names of your children? A Dennis, 17 years old.
Q Next child? A Lula.
Q How old is Lula? A 15.
Q The next one? A Ulysses.
Q How old is Ulysses? A He is twelve years old.
Q The next one? A Bruce.
Q How old is he? A Ten.
Q The next one? A Nolan.
Q How old is Nolan? A Seven years old.
Q What is your father's name? A His name is Rufus Vann.
Q Is he living? A No, sir.
Q What is your mother's name? A Lucy.
Q Is she living? A No, sir.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 332, #2892, Samuel Vann, Delaware District.

- Q Did you draw your strip money A Yes, sir.
Q You drew for these children too didn't you? A Yes, sir.
Q Were you enrolled in 1896? A Yes, sir.

The 1896 Census roll of citizens of the Cherokee Nation examined and names of applicants not found thereon.

The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and the names of applicants found thereon as follows:

- Page 20, #499, Sam Vann, Delaware District.
Page 20, #500, Dennis Vann, Delaware.
Page 20, #501, Lulu Vann, Delaware District.
Page 20, #502, Lizzie Vann, Delaware District.
Page 20, #503, Bruce Vann, Delaware District.
Page 20, #504, Nolan Vann, Delaware District.

- Q Now are these children all living at this time? A Yes, sir, living yesterday morning when I left.
Q Hearty were they? A Yes, sir.
Q All for breakfast? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir, nowhere else.

Samuel Vann, et al.--2.

COMMISSIONER IS IN CHARGE
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

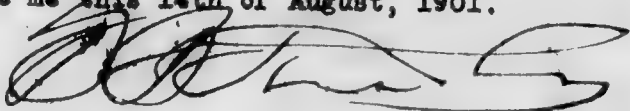
COMR NEEDLES:--Samuel Vann applies for the enrollment of himself and five children. His name is found upon the authenticated roll of 1830 and the Kerns-Clifton roll and he is duly identified as the applicant. The names of his children, Dennis, William, Luke, Bruce and Nolan, are found upon the Kern-Clifton roll and they are duly identified. They make satisfactory proof as to residence, consequently Samuel Vann and his children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen.

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

J. O. Rosson

Subscribed and sworn to before me this 14th of August, 1901.



Commissioner.

To be filed with case of Neatie Lynch, C. F. D.#414.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 8, 1901.

In the matter of the application of Neatie Martin for enrollment as a Cherokee freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows: Mr. Mellette, Attorney for Applicant, present.

- Q What is your name? A Neatie Martin.
Q What is your age? A 54.
Q What is your post office? A Vinita.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or Nation? A No, sir.
Q Did you draw any money from any other nation or tribe? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A No, sir.
Q Is your name on the rolls of 1880? A I don't know whether it is or not.

- William Mellette: Is your name on the Kerns Clifton roll?
A Yes, sir, I drew money then.
Q Were you a slave during the war? A Yes, sir.
Q Who was your master? A Washington Adair.
Q Where did you live? A Down on Saline.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A To Fort Scott, Kansas.
Q When did you return to the Cherokee Nation? A In '66.
Q Who did you come with? A My brother brought me.
Q Who is your brother? A Tobe Bean.
Q How did he happen to bring you? A Father got him to go after me and bring me; my husband was sick, I couldn't come, and he said I would lose my home if I didn't come.
Q Did Tobe Bean come to the Cherokee Nation before you did?
A Yes, sir, and then went back and got me.
Q How long before he come after you before he come here?
A About a month.
Q And what time of the year in '66 was it you were brought here by your brother? A In the fall.
Q Why didn't you come when Tobe come and the rest of the band?
A I wasn't able to come.
Q You were sick? A Yes, sir.
Q And in a short time he returned and brought you back?
A Yes, sir.
Q Where did he bring you to? A Down here on the river.
Q Have you lived in the Cherokee Nation continuously since that time? A Yes, sir.
Q Is your husband living? A No, sir.
Q Do you own a place in the Cherokee Nation? A Yes, sir, living on a place.
Q Where? A Down on Grand river.

- W. W. Hastings: You didn't come with your brother Tobe, as I understand, when he first come? A No, sir, not with that crowd.
Q He come and got a wagon and went down after you? A Yes, sir.
Q Just you and your brother come back? A Yes, sir.
Q Did you have any children? A Yes, sir.
Q Did they come with you? A I had two.
Q What children you had? A Yes, sir.
Q What were their names? A Louis and Rachel.
Q They come with your brother? A Yes, sir.
Q That was all? A Yes, sir, that was all I had.
Q That was all in the crowd? A That was all my children; my cousin was along. He is dead now.
Q What was his name? A Tobe Martin.
Q Along with that crowd was you, and your brother and your two children and Tobe Martin? A Yes, sir.
Q And that was in the fall of the year? A Yes, sir.
Q You are positive that was in '66? A Yes, sir, they said it was in '66.

Q It must have been that time then? A Yes, sir.
Q You don't know whether that was before or after Christmas?
A It was before Christmas. Christmas is way in the winter.
Q What kind of a team did your brother have? A I don't know, sir.
Q You don't remember? A I don't remember.
Q Was it an ox team or horse team? A It was a horse team.
Q Did you have more than one wagon? A We had two wagons.
Q Who drove the other wagon? A There was another man with us.
Q What other man? A Tobe Martin.
Q Was he here before? A Yes, sir.
Q The two came up in two wagons? A Yes, sir.
Q And where did you come, to what point did you come?
A Down to Grand river.
Q Down in the Bean settlement - down near Island Ford?
A Yes, sir, to my father's house, Sandy Bean.
Q Did your father come before you did? A Yes, sir, father was the one that wanted me to come, he was anxious for me to come and let lose my home.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not identified thereon.

The Kerns Clifton roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is identified on page 168, No. 4144, Neatie Martin, Cooweescoowee district.

Q TOBE BEAN, being sworn by commissioner Needles and examined by Attorney William Mellette, testified as follows:
Q What is your name? A Tobe Bean.
Q How old are you? A 63 I guess.
Q Where do you live? A In Delaware district.
Q Do you know Neatie Martin? A Yes, sir.
Q Do you know where she was in the year 1866? A Yes, sir.
Q Where was she? A She was in Kansas part of the year, and the balance part she come down here along in the winter.
Q How do you know she come down here? A She come with me here in the winter of '66.
Q How did you happen to bring her? A She was my sister, and I went there and she wanted to come with me, and I brought her.
Q How about your going back? A I went back.
Q Well, did you come here first? A Yes, sir, I come here first, and went back early in the winter, and then she come with me when I come back.
Q Why didn't she come with you the first time? A I wasn't prepared to bring her; I just come to locate.
Q How long after you arrived here, did you go back after her?
A A month, I guess, or a little afterwards.
Q Did you get back here with her before Christmas? A Yes, sir.
Q Where has she lived since that time? A Over on Grand river.
Q W. W. Hastings: You went back in a wagon after her? A Yes, sir, we went back in a wagon.
Q Who went with you? A Joe Bean, Tobe Martin.
Q Who else? A Walker Vann.
Q Anybody else? A No, sir.
Q How many wagons did you take? A We carried two.
Q Who drove the other? A Joe Bean drove one and Walker drove one.
Q Didn't you drive one? A No, sir, I didn't drive one.
Q What wagon did she come back in? A She come back in her own.
Q She had a wagon up there? A Yes, sir.
Q How many wagons come along when you come back? A Three.
Q Then you didn't take a wagon up there for her? A I took a wagon along.
Q But she come back in her own wagon? A Yes, sir, we helped her to move.
Q Did her husband come with her? A No, sir.

- Q Any children? A Yes, sir.
Q What children? A Two, I believe.
Q They come back in the fall? A In the winter like; It wasn't in the fall; it was getting cold.
Q The winter after you come in the fall before? A Yes, sir.
Q And three wagons come along? A Yes, sir.
Q One was hers? A yes, sir.
Q And one was Joe Bean's? A yes, sir.
Q And who did the other belong to? A I don't know who it belong to, whether it belonged to Joe or not, Walker drove one of them.

GEORGE VANN, being sworn by commissioner Needles and examined by Attorney William Mellette, testified as follows:

- Q George Vann, your name? A Yes, sir.
Q Where do you live? A I live in Cooweescoowee district.
Q Are you on the authenticated roll of the Freedmen citizens of the Cherokee Nation? A Yes, sir.
Q Do you know Neatie Martin? A yes, sir.
Q Do you know where she was in the year 1866a? A No, sir, I don't/ She come down here; I didn't see her until '67; about along Christmas up on the river.
Q You don't know anything about her? A I think it was Christmas; no, it was January.
Q Of what year? A '67, I think.
Q It was the January after you came here? A Yes, sir, the January after I come here; she never come with us.
Q Now, when did you come here? A I come here in '66, It was a either in the first of october or the last of September, I forget which. I don't know exactly.
Q Did you come with Tobe Bean? A Yes, sir.
Q What do you know about Tobe Bean going back and getting her? A I don't know anything more than what he said. I didn't see her until '67.
Q Where did you see her? A On the river. Where they live on Island Ford.

- L. B. Bell: Where were they living there at Island Ford, George? A They were living as near as I can recollect where - close to the old Lynch's place.
Q Locate it a little better than that, please. A I can't locate it any better.
Q Where was it, down the river or south, or where? A South.
Q Out in the prairie? A Yes, sir, kind of out in the prairie.
Q How far from the river? A Not far from the river; I don't know how far.

LOU BEAN, being sworn by Commissioner Needles, and examined by Attorney William Mellette, testified as follows:

- Q What is your name? A Lou Bean.
Q What is your age? A 50 years old.
Q Are you a Freedman citizen of the Cherokee Nation? A yes, sir.
Q On the authenticated roll? A Yes, sir.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q When did you come back? A '66.
Q What time? A Fall of '66.
Q Do you know Neatie Martin? A Yes, sir, I know her.
Q Do you know where she was in 1866? (No answer.)
Q Where was she at the time she come back to the Cherokee Nation from Kansas? A I just couldn't tell you where she was.
Q You didn't know where she was? A No, sir.
Q When did you see her in the Cherokee Nation, or do you know - do you remember the first time? A I seen her in the Cherokee Nation in '66.
Q Do you know when she came, or how she came? A No, sir, I don't exactly know who she come; she come in a wagon.
Q You know who brought her? A Tobe Bean brought her.

- Q How do you know? A He went after her from home.
- Q How do you know that? A He said that.
- Q Did you see him start? A Yes, sir, I seen them when they started.
- Q You saw Tobe Bean start on his journey to Kansas after Neatie Martin? A Yes, sir.
- Q Did you see them when they come back? A I seen them shortly after they come back.
- Q Was it still in the year 1856 when you saw them? A I don't know, sir, whether it was; I think it was though.
- Q How long after you got home when Tobe Bean started after her? A Not very long.
- Q How long was he gone? A I just couldn't tell you, because I didn't keep a count.
- Q You know he did go back? A Yes, sir, I know he went back after her.
- Q And that she come back? A Yes, sir, she come.
- W. W. Hastings: Did Tobe go back by himself?
- A No, sir, his brothers went back with him.
- Q What was his brothers' names? A George, Jack and Joe and Art.
- Q They all went back with him? A Yes, sir.
- Q How many wagons did they take? A I don't know, sir.
- Q Did each one of them have a wagon? A I couldn't tell you that, whether each one of them had a wagon or not.
- Q You know Tobe took a wagon for her? A Yes, sir.
- Q You didn't see her as she come back? A No, sir, I seen her shortly after she come back.
- Q You don't have any idea how many wagons they took? A No, sir, I don't.
- Q You only saw the one? A I know he took one.
- Q Ox team? A No, sir, horse; they quit using oxen mostly then; they used to use oxen before the war; that had mostly quit using them then.
- Q You know what time of the year that was? A No, sir.

- PHYLLIS BEAN, being sworn by Commissioner Needles and examined by Attorney William Mellette, testified as follows:
- Q Phyllis Bean, your name? A Yes, sir.
- Q How old are you? A I don't know exactly how old I am.
- Q About how old? A I guess about fifty.
- Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
- Q On the authenticated roll? A Yes, sir.
- Q Were you out of the Territory during the war? A Yes, sir.
- Q Did you leave the Cherokee Nation? A Yes, sir.
- Q Where did you go? A To Kansas.
- Q Did you come back to the Cherokee Nation? A Yes, sir.
- Q When? A '66.
- Q Who came with you? A Tobe Bean, George Vann, My Uncle Gilbert; a lot of them.
- Q Do you know Neatie Martin? A Yes, sir.
- Q Did she come with you? A She come with Tobe.
- Q Did she come with that crowd? A No, sir, she didn't come with that crowd.
- Q Who did she come with? A She come when Tobe went back.
- Q How long after you and Tobe came, did he go back after Neatie? A Not very long. I never kept count.
- Q Give an idea how long - one week, two weeks, or three weeks? A About three weeks, I guess.
- Q And how long was he gone after her? A He wasn't gone so long before he come right back.
- Q What time in the year had you gotten here, you and Tobe? A I don't know, sir, what time - in the fall of '66.
- Q And you say you don't know how long he has gone after her? A I don't know just how long; we were on Spring Creek, and he stopped on the river where he is living now. I don't know how long

- he was gone.
- Q Did you see her after she came? A Yes, sir.
- Q How long after she came? A Along afterwards Christmas.
- Q Along after Christmas? ~~you~~ ~~saw~~ her in the Cherokee Nation?
- A Yes, sir, on the river.
- W. W. Hastings: You gave your age a while ago about 46?
- A I don't know; I can't count good, never could.
- Q You were but nine or ten years old when you came here?
- A I was older than that; I don't know how old.
- Q You were just a girl then? A I was a young woman.
- Q You never kept any count of years or time that time?
- A It was in the fall of '66.
- Q What year is this? A I don't know.
- Q The fact is you don't know a single year in the calender?
- A No, sir, I don't know a letter.
- Q You heard the people say it was '66? A I know it was; I always heard talked of it when we come back home.
- Q And you heard of it before you come here? A My uncle made a crop and came and brought us down here.
- Q Which Uncle? A Gilbert.
- Q He had made a crop here in the summer of '66? A No, sir, before
- Q What year did he make a crop, a year before he went up after you?
- A Yes, sir.
- Q How long before she come back here did you see her?
- A That winter.
- Q Before or after Christmas? A Somewhere along Christmas.
- Q You don't remember exactly? A No, sir, I don't.
- Q You weren't brought up to remember dates? A No, sir.
- L. B. Bell: You say you lived along Spring Creek? A Yes, sir, that is where we went when I first come here with Miss Williams. He started from Spring Creek, he brought her along the river. To be brought her there.
- Q Where was you about Christmas in '66? A I don't know where I was; I was somewhere close in the Nation; I know I seen Margaret.
- Q Where did you see her? A Up here on the river.
- Q Whereabouts on the river? A At Uncle ~~ander's~~ place, close to Lynch's place.
- Q Sandy was living there in 1866, was he? A Yes, sir.
- Q He was living there at Island Ford in 1866, was he? A No.
- Q Where was he living? A I don't know where he was living; they stopped up there on the river.
- Q You say you saw her at Uncle ~~sandy's~~ A I said I saw her up on the river there.
- W. W. Hastings: At what place did you see her, out in the prairie? A We were in the prairie where they were living.
- Q You don't know what place? A No, sir, it was in the prairie on Lynch's prairie.
- Q Was it right on the bank of the river or on the prairie?
- A His place was close on the bank of the river.
- Q And you don't know whether it was at old Uncle Sandy's house or not? A Yes, it was Uncle Sandy's.
- Q I want to know whether he was living there at Island Ford in 1866?
- A He was living on the other side of the river there.

Commissioner Needles: Neatie Martin applies for the enrollment of herself as a Cherokee Freedman. Her name is not found upon the authenticated roll of 1880, nor the census roll of 1896; her name is found upon the Kerns Clifton roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, the name of Neatie Martin will be placed upon a doubtful card, awaiting further consideration; her enrollment being protested by the representatives of the Cherokee Nation.

RECORDED
INDEXED
MAY 10 1901
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

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 full, true and correct transcript of his stenographic notes thereof.

(Signed) E G. Rothenberger.

Subscribed and sworn to before me this 9th day of May, 1901.

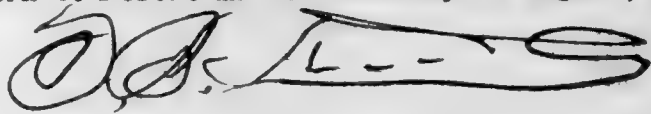
(Signed) C. R. Breckinridge,
Commissioner.

---ooo000ooo---

J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.

& J. O. Rosson

Subscribed and sworn to before me this 23d day of August, 1901.



Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of

Neatie

for enrollment as a Cherokee Freedman.

No. F. D.

Lynch
414

Henry Pack, of lawful age, being duly sworn on
oath states that on the *14th* day of *September*, A. D., 1901, he registered
to *Neatie Lynch* whose postoffice is *Spainaw*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at *Fork Gibson* Indian Territory;

and that on the *9th* day of *October*, 1901, he received the return
card which is hereto attached, signed by the said *Neatie Lynch*, showing
that he had received said notice.

Subscribed and sworn to before me on this the *9th* day of *Oct*, A. D. 1901.

Henry Pack
J. C. Starr

Notary Public.

M F. D. 414

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. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
SOUTHERN DISTRICT. |

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

NOTICE!

IN THE MATTER OF The application of
for enrollment as a Cherokee Freedman

C. C. No. F. D.

To

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 Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on the following dates, to wit:

A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this day of 1901.

SEP 13 1901

C. S. Ransom
Attorneys for the Cherokee Nation.

File with case of Neatie Lynch, C.N.-D.#414.

Exh. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Neatie Martin as a Cherokee Freedman, introduced on behalf of
Cherokee Nation:

APPEARANCES:

Mr. Mellette, of counsel for applicant;
Fr. J. S. Davenport, of counsel for Cherokee Nation:

F. D. MYRICK, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

FR. DAVENPORT: State your name? A F. D. Myrick.

Q Where do you live, Mr. Myrick? A I live near Mapleton, in
Linn County, Kansas.

Q What is your age? A 65.

Q How long have you lived near Mapleton, Kansas? A Since December,
'56.

Q Are you acquainted with Neatie Martin and her husband? A Can't
you locate them so I will see who I am talking.

Q Well, did you ever know anywheres near Mapleton in Kansas any
colored people by the name of William Martin and Neatie Martin,
husband and wife? A Yes, sir.

Q Where was that? A I become acquainted with some people of that
name in '62, and more acquainted in '63.

Q Well, did you ever have any business transactions with either
of them that makes you remember the family? A Oh, there was a
family there with me for quite a spell, probably a could of years
right on the place there during the war.

Q Well, do you know what became of them after the war? A Why, they
remained quite a spell there in the country, I could not say how
long.

Q Near what place, Mr. Myrick? A Near Mapleton.

Q Do you know what became of William Martin? A To say I do, I
don't; I left there in 1874 and while I was away two or three years
I was away, Bill died, I don't know.

Q From the time you became acquainted with William Martin and Neatie
Martin you spoke of in the early '60s up to the time you went away
where did they live? A Right in the country there.

Q Were they living there when you went away in 1874? A Yes, sir.

Q When did you ~~was~~ get back to that section of country? A In '77.

Q Was any of the family living there then? A I could not say
that there was.

Q Have you seen Neatie Martin since you came back from where you
went in 1874? A No, sir, not that I can recollect of.

Q Was there any other members of Neatie's family that you remember
of; did you ever get acquainted with any of them? A None of
Bill and Neatie's family.

Q Did Bill have any relatives there? A Yes, sir.

Q What were their names? A Father and mother was there; Harry
Martin and Celia Martin.

Q Have any brothers or sisters, or do you know? A Yes, sir.

Q What were their names? A Tobe Martin and Lou Martin.

MR. MELLETTE: well, do you know that the Neatie Martin who is
an applicant for citizenship, for enrollment here I should say?

A Don't know anything about the applications only this person I
have located-

Q You don't know whether the person who applies here is the Neatie
Martin you have been talking about? A No, sir.

Q Did you know the husband better or wife better, those people
you have been talking about? A I knowed them both at that time
one as well as the other one.

- Q Well, did they live together as man and wife? A Yes, sir.
Q How long? A Well, all the time I knew them.
Q Do you know whether they separated? A No, sir, I don't know whether they ever separated or not.
Q How far did they live from you? A Lived on my farm part of the time.
Q How long did they live on your farm? A Oh, couple of years.
Q About that time, Mr. Myrick, did they leave your farm?
A I think about 1865 or '4, it might have been '65, just moved over on to another lot, I think he went to work for a man by the name of Beach, he was a blacksmith.
Q Did you have any reason for paying particular attention to these people after they left your farm? A No, sir.
Q Now, Mr. Myrick, is it or isn't it a fact that Bill Martin remained in that country and died there and that Neatie Martin came to this country before Bill Martin died? A I don't know whether she did or not, she might have.

MR. DAVENPORT: As I understand you, Mr. Myrick, you went away somewhere and she and Bill was living up there and when you came back it was reported to you that Bill was dead? A Yes, sir.

- MR. BELLETTE: You are positive that Neatie Martin, the one you are talking about, was living up there in '74? A Yes, sir, I am pretty certain she was.
Q What do you mean by that? A Well, just because it has been a long time ago and I would not be positive about nothing that long unless there was some event or transaction that we had it on note.

D. J. HESSONG, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A D. J. Hessong.
Q Where do you live, Mr. Hessong? A Mapleton, Kansas.
Q How old are you? A 51.
Q How long have you been living at or near Mapleton, Kansas? A 44 years.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you acquainted with a colored man by the name of William Martin and his wife? A Yes, sir.
Q Do you remember what his wife's name was? A I believe it was Neatie.
Q Did you ever know any other members of Martin's family or his wife's family? A I knew some boys.
Q What were their names? A There was one boy there that died a while back by the name of Tobe, that is all the one I remember his name now.
Q When did you get acquainted with this Martin family?
A Along in war times when they come up there with the balance of the colored people.
Q Did they work around Mapleton, Kansas, there? A They follows blacksmithing, Will did.
Q Did any other of the family work? A Louis Martin did.
Q How long did Will Martin and his family live there near Mapleton, Kansas? A The last I remember of them was about '75 or '6.
Q What became of Will Martin? A He died there.
Q Do you know what became of his family after that? A No, sir, I don't.
Q You haven't seen the applicant in this case since you have been down here have you? A I have not.
Q Do you remember any of their names; that is, her family before she was married to Will Martin? A No, sir, I don't know who she was before she was married.
Q Well, from the time you first get acquainted with them up until 1875 or '6 when Will died, had they resided continuously there, or where had they been if you know? A Why I never knew of them be-

- ing away; of course I never paid any attention to that part of it; every once in a while I would see them around.
- Q How far did you live from them? A I would be a mile and some- times I would be four or five miles from them, and sometimes be close neighbors to them.
- Q How did you die there a few years ago? A Yes, sir.
- Q Is any of the family living up there at this time?
- Q What of Will's family?
- Q Well, of Lewis family? A No, sir, not as I know of.
- Q How far did you live from these people you have been talking about? A When I first got acquainted with them I lived about two miles and a half.
- Q How old am I now? A I am 51.
- Q Well, when did you first get acquainted with them? A In time of the war; they come down here and let the colored people come up there with them, the soldiers up there.
- Q Who came down here? A My father and party went, everybody there, my father was in the army.
- Q The colored people came back with them? A Yes, sir.
- Q Was Neatie Martin living with Bill Martin when he died?
- Q I think so.
- Q I would like to know whether you are as positive of that as you are of other things? A Yes, sir, she was there, I only lived about a mile and a half from them then.
- Q You saw them there at that time? A Yes, sir.
- Q How old a woman is Neatie Martin? A She must be pretty near my age I should think.
- Q Is she older or younger than you or about your age?
- Q I could not tell you I expect she would be as old if not older; the first time I ever knew them she and Bill were living together and I wasn't nothing but a boy.
- Q Now, you don't know that this Neatie Martin who applies for citizenship is not the Neatie Martin you know up there? A I don't know.
- Q Would you know her if you were to see her? A I don't know; I haven't seen her from '73 or '6.
- Q Who did she go up to Kansas with? A She come up there with the Sixth Kansas, that is she come up there about that time, I suppose they all come together.
- Q Did she have any brothers? A I could not say as to that.
- Q Did you see anybody up there that claimed to be her brother?
- Q I don't know that I ever heard of that.
- Q Well, where did she live now with reference to Mapleton, Kansas?
- Q Lived south when they first stayed in there on the river about a mile south of town.
- Q When did Bill Martin die? A Well, now, I don't know just exactly what year it was; it was between '74 and '77, somewhere along there.
- Q Are you certain of that? A Yes, sir.
- Q How do you fix the time? A I got married about that time.
- Q Did his dying have anything to do with you getting married?
- Q No, but I know where he was at the time.
- Q Now, what became of Neatie Martin ~~and~~ after Bill Martin died?
- Q I can't tell.
- Q Why can't you tell as much about her after he died? A Because she left there after he died.
- Q How far was Bill living from you when he died? A About a mile.
- Q You were not in the habit of going about them very much? A No, sir, he run a shop there and I would get work and such as that.
- Q You say Neatie was living with him at the time he died? A Yes, sir.
- Q You could not be mistaken about that? A I don't think I could.

- Q Do you remember seeing her there? A Yes, sir.
Q You can give then the age of that woman? A No, sir, only she was a young like woman when I first seen her.
Q You were very young at that time? A Yes, I was 12 or 13 years old, something like that.
Q She was about your age? A I think she was a little older I should think so.

MR. DAVENPORT: You know they came in there from somewhere down in this country? A Yes, sir.

- Q Your father was in the army and they came down here? A Yes, sir, we called them re fugees at that time.
Q After Bill died you don't know what became of her, she just simply moved away? A Yes, sir.
Q Bill Martin was a blacksmith? A Yes, sir.

IKE SHIELDS, called as a witness, being sworn, testified:

Mr. Mellette: I object to this witness testifying.

Commissioner: Why?

Mr. Mellette: Because he has been convicted of larceny and served a term in the penitentiary.

Mr. Davenport: I submit if he was pardoned it don't make any difference with he was charged with.

Com'r Needles of Applicant: Were you pardoned? A Yes, sir; I was turned loose in about six or eight months.

MR. MELLETTE: Where is the pardon you got from the Governor?
A I could not tell you; I have traveled around so much I have lost that and my discharge papers and all a time or two.

MR. DAVENPORT: Where do you live? A I live at Nowata.

COMMISSIONER: Where do you live? A I live at Nowata.

- Q In the Indian Territory? A Yes, sir.
Q How long have you lived there? A About eight years.
Q Do you vote in the Indian Territory? A I voted at the City Courts.
Q Are you a Cherokee citizen? A No, sir.
Q Known as a State man? A Yes, sir.
Q Did you ever vote in Kansas after you were pardoned?
A Yes, sir.

COM'R NEEDLES: Go on with the examination.

MR. DAVENPORT: What place in Kansas do you live Ike?

- A I lived at Fort Scott.
Q How long did you live about Mapleton? A I lived at Mapleton ever since before I went in the army and after I came out of the army I stayed there off and on till '83.
Q During the time you lived at Mapleton, Kansas, from 1865 until 1883 did you get acquainted with a man by the name of Will Martin and his family? A I was acquainted with Will Martin some.
Q Did you know his wife? A I have seen her a time or two, yes, sir.
Q Do you know what her name was? A I think her name was Neetie.
Q Did you know any of her family, father or mother, or brothers or sisters? A Well, I wasn't personally acquainted with them.
Q Did you know any of Will Martin's family?
A That is the one I am talking about.
Q Well, how long did they live about Mapleton Kansas?
A I could not tell you at all.
Q Were they living there when you came out of the army in 1863?
A Yes, sir.
Q When did you last know of them living in and near Mapleton, Kansas? A After I came out of the army in '65 I lived there; I come out in August and I left there in October following, and I was gone from there until sometime in '70 I guess.
Q Well, since you got back there in '70 did you see this Will Martin and his family? A Well, I don't recollect whether I do or not.

I recollect of seeing Mrs. Martin, came up there on a visit.

Q When was that? A That was short time after I came home.

Q Well, do you know where Will Martin was living, where was he at the time of his death, or do you know? A I wasn't there when he died.

Q Have you seen this applicant since yo? came down in this country?

A No, sir, I haven't; I wouldn't know her if I would see her.

MR. MELLETTE: You say that Neatie Martin came up there on a visit about the time you come back in '70 A Yes, I think she was up there, I didn't see her ~~when~~ nor I didn't know where she lived only some of them said Mrs. Martin was come up there on a visit.

Q She came from this country up there? A That is what she claimed.

Q Isn't it a fact that she and her husband lived apart and that she was brought down here after the war and her husband stayed back there in Kansas and died there? A Well, I didn't see her, I saw her husband I think, blacksmithing but I didn't see her; I never saw her but once or twice in my life.

Q Were you well acquainted with her husband? A Yes, I was well acquainted with him.

J. W. BAUM, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Bainum.

Q Where do you live, Mr. Bainum? A Mapleton, Kansas.

Q How long have you lived at Mapleton, Kansas? A I have lived there continuously since November, 1864.

Q Since you have been living there did you get acquainted with a colored man by the name of William Martin and his wife? A I knew William Martin; I knew a William Martin in Mapleton, when I seen him-- I can't say that I was particularly acquainted with them.

Q What business did he follow? A He run a blacksmith shop.

Q Did you know his wife? A I knew her when I saw her.

Q Did you ever learn her name? A I have heard her called Neatie Martin.

Q Did you know any members of Martin's family, that is his brothers sisters, father or mother? A Yes

Q What were their names? A Well I think there was a Tobe Martin, and Lewis Martin, that I think were brothers; I remember his father but don't remember his name and I think his mother's name was Celia Martin.

Q How long did Will Martin and his family reside there at Mapleton, Kansas? A I can't tell.

Q Do you know where he was at the time of his death, or where he was living? A No, sir, I don't remember anything about his death.

Q About how long did you know them there at Mapleton, Kansas?

A Oh, several years.

Q You first saw them there in what year? A I can't tell exactly when; there was a whole family of the Martins; I suppose he was a boy when I first knew him; I don't know whether I know any of them particularly, I knew the whole family and then later I knew him as a blacksmith there.

Q Do you remember how late you saw him there? A No, I can't give the date.

Q You think it was several years? A It must have been several years.

MR. MELLETTE: Well, you paid more attention to Bill than you did to the wife? A I don't know what became of either one of them.

Q Well, did you know the wife lived there with her husband all the time or not? A No.

Q You can't tell about that? A I remember that they lived there at Mapleton; I knew them when I saw them and that is about all.

Q Do you know Tobe Bean, a brother? A No, sir.

Q Arthur was it? A No, not that I know of.

Q This Tobe Martin you say that he is a brother? A No, sir, I think he was in the family

Mr. Davenport: Do you know where Tobe died? A No, sir, I don't.

Taking of testimony continued by Stenographer Chas. von Weise.

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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 October 14th, 1901.



Commissioner.

(Continued from Stenographer J. O. Reason)

Vinita, I. T. October, 4th 1901.

JOHN CROSS being first duly sworn by Commissioner T. B. Mellette testified as follows: (on the part of the Cherokee Nation)

(By Davenport)

- Q What is your name? A John Cross.
Q Where do you live? A Mapleton, Kansas.
Q How old are you? A 63.
Q How long have you lived in or around Mapleton Kansas? A Since '62.
Q Were you acquainted with a colored family up there by the name of William Martin? A I was.
Q Do you know his wife's name? A Yes sir it was Neatie.
Q What business was William Martin engaged in? A Blacksmithing.
Q Was any of his brothers or sisters there? A His brother was there a while, Lewis Martin, working with him.
Q Did you know any of his wife's family on her side? A No sir.
Q About how long did they live there at Mapleton? A They didn't live right in town.
Q At or near Mapleton? A Then come there some time in '62 or 3, and I dont know---Martin---William Martin was running a blacksmith shop there in '66 in Mapleton and I left there in the spring on 67 and went to Colorado and when I come back he wasn't there, he had left.
Q When did you come back? A In the fall.
Q Did you mean that you went to Colorado in the spring of '67? A '77 I mean.
Q They had lived there then from the war until '87? A Yes sir I had seen them that long.
Q Had you seen him there in and around Mapleton Kansas from the time you saw him right after the war until you left? A --

(By Mr. Mellette)

" I submit that it is leading."

(By Hastings of witness)

- Q When did you see him? A I can't tell, the last time I saw him was in the spring of '77 but as to when he left I cant say for I was not there when he left.
Q You first saw him in what year? A '62 or '3.
Q He was running a blacksmith shop there? A Yes sir, on the river there.
Q From the time you saw him in the '60's up to '77 did you see him often? A Yes sir, I would see him every once in a while.
Q Did he continue to run his blacksmith shop there? A When he left there I dont know if he was running a shop at the river or not.
(By Mellette)
Q You say you knew Bill Martin's wife? A Yes sir.
Q How often did you see her? A I dont know, I saw her frequently.
Q What became of Bill Martin? A I think he died up there about '77.
Q Well did his wife live with him all the time until he died? A I think she did.
Q Is it not a fact that she came here to the Cherokee Nation with her brother? A I dont know.
Q You dont know about that? A No sir.
Q And left her husband up in Kansas? A I dont know, she might have.
(By Davenport)
Q Did they keep house there at Mapleton? A They did where they lived there on the river.
(By Mellette)
Q Who kept house? A I dont know who did the housekeeping.
Q You mean that Bill Martin lived there? A Yes sir he lived there.

Q You don't know who kept house? A No sir.

* * * * *

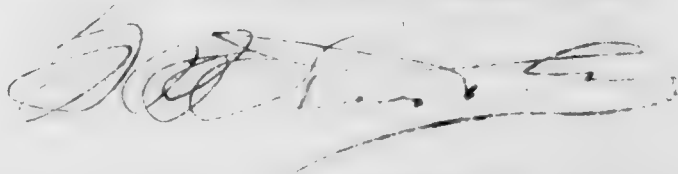
This testimony will be made a part of the record in Cherokee Freedman cases D.#388, D. 389, D.#390, D. 412. and D. #213.

=====

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

Chas von Weise

Subscribed and sworn to before me this the 8th of October, 1901.



Commissioner.

M.C.McR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO ENROLL CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sallie Johnson et al., as Cherokee Freedmen, consolidating the
applications of:

Sallie Johnson
Neatie Martin
Joseph Bean,
Houston Martin
Tobe Martin
Lewis Martin
Rachel Vann
Keatie Lynch

Cherokee Freedmen D-302
Cherokee Freedmen D-213
Cherokee Freedmen D-215
Cherokee Freedmen D-368
Cherokee Freedmen D-389,
Cherokee Freedmen -390
Cherokee Freedmen D-412
Cherokee Freedmen D-414.

DECISION.

The record herein shows that applications for enrollment
of Cherokee freedmen were made to this Commission by Evans Johnson
for his wife Sallie Johnson, among others, but the other parties
to this application being differently classified are not embraced
in this decision; by Neatie Martin for herself; by Joseph Bean for
himself; by Houston Martin for himself; by Tobe Martin for
himself; by Lewis Martin for himself; by Rachel Vann for herself,
and by Keatie Lynch for herself. The testimony taken at various
times and places in the matter of the application for the enrollment
of Tobias Bean et al., as Cherokee freedmen, is made a part of
the record in this case.

The evidence shows that the applicants, Neatie Martin,
Joseph Bean and Rachel Vann, were the slaves of Cherokee citizens
at the commencement of the rebellion; that during said rebellion
they left the Cherokee Nation; that the said Joseph Bean returned
to the Nation and established a residence therein in the time
specified in the decree of the Court of claims rendered on
February 3, 1895, in the case of Moss Whitmire, executor, etc.
vs. the Cherokee Nation, et al., for the return of Cherokee
freedmen to said Nation; that the applicants Neatie Martin and
Rachel Vann, did not return to and establish a residence in said
Nation within the time specified in the said decree of the Court
of claims. The applicants, Sallie Johnson, Houston Martin and
Tobe Martin, have been born since 1866, and are the children of
said Neatie Martin; and have only such rights as are possessed
by her. The applicant, Lewis Martin is a son of Neatie Martin
and returned to the Cherokee Nation with his said mother. The
said Keatie Lynch is the daughter of Sam Vann, who is identified
on the 1860 authenticated Cherokee roll as a Cherokee freedman.
It is presumed from this enrollment that the said Sam Vann com-
plied with all the provisions of the Cherokee treaty of 1866, and

the applicant, Neatie Lynch, having been born since 1866, is possessed of the same rights to enrollment as her father.

The evidence further shows that the said Joseph Bean has resided continuously in the Cherokee Nation since his return thereto, and the applicant, Neatie Lynch, has resided continuously therein since her birth.

It does not appear that any of the applicants herein are identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that Joseph Bean and Neatie Lynch should be enrolled as Cherokee freedmen, and that the applications for the enrollment of Sallie Johnson, Neatie Martin, Houston Martin, Tobe Martin, Lewis Martin and Rachel Vann as Cherokee freedmen should be denied, under 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 NINE CIVILIZED TRIBES.

(Signed) Tommy Sixby
Chairman

(Signed) T. B. Needles,
Commissioner.

(Signed) G. F. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory
this JUL 23 1904

1890

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Weatie Lynch,
Spawnaaw, I.T.

Cherokee D-414

Re: ...

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen

D-209, et al.

Muskogee, Indian Territory, July 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Sallie Johnson, et al., granting the applications for the enrollment of Joseph Bean and Neatie Lynch as Cherokee freedmen, and rejecting the other applicants mentioned therein.

You will be allowed 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 protest 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,

Encl. S-80.

Commissioner in Charge.

C.C.C.

Cherokee Freedmen

D-414.

Muskogee, Indian Territory, August 17, 1904.

Nettie Lynch,

Spavinaw, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated July 23, 1904, granting, among others, your said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has heretofore 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. S-77.

Register.

Commissioner in Charge.

Cherokee Freedmen

D-209, et al.

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Sallie Johnson, et al., including the Commission's decision, dated July 23, 1904, rejecting the applications for the enrollment of Sallie Johnson and Neatie, Houston, Tobe and Lewis Martin, and Rafoel Vann, and granting the applications for the enrollment of Joseph Bean and Neatie Lynch as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, in so far as it grants the enrollment of Joseph Bean and Neatie Lynch, a copy of which protest is enclosed.

Respectfully,

Encl. S-86.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
Dept.

Wichita, Indian Territory, December 2, 1904.

Wattie Linn,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, granting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on November 19, 1904.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee Freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Chief

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Cherokee Freedmen
D-209, et al.

Muskogee, Indian Territory, December 7, 1904.

Tell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, respecting the applications for the enrollment of Sallie Johnson, Houston, Toke, Lewis and Vestie Martin and Rachel Vann, and granting the applications for the enrollment of Joseph Bean and Vestie Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 19, 1904.

Respectfully,

John S. [Signature]
Chairman.

Cher Fr 1423

Cher Fr 1423

Department of the Interior.
Commission to the Five Civilized Tribes.
Vienna, I. T., May 15, 1901.

In the matter of the application of Joe Martin for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner C. E. Breckinridge, testified as follows:

- Q Give me your name? A Joe Martin.
Q Who is it you want to have put on the roll; just yourself? A Just myself.
Q How old are you? A 33.
Q What is your postoffice? A Vienna.
Q In what district do you live? A I live in Delaware.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Give me the name of your father? A Warren Martin.
Q Is he alive? A No sir.
Q How long has he been dead? A I couldn't tell you, about twenty years I reckon.
Q Give me the name of your mother. A Martha Martin.
Q Is she alive? A No sir.
Q How long has she been dead? A She died about the same time.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Who brought you up when your father and mother died? A My grand-father, Nelson Martin.
Q And what is the name of his wife? A Henry Martin.
Q Is she living now? A No sir, she is dead.
Q Are you still living with Nelson Martin's family? A Yes sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.
The Wallace Roll examined and the name of the applicant is found on page 136, No. 2652, Joseph Martin, Cooweescoowee District.
The Keras Clifton Roll examined and the name of the applicant is found on page 127, No. 2372, Joe Martin, Saline District.

- Q Do you claim your mother, Martha? A Yes sir.
Q She was a Cherokee Freedman, was she? A Yes sir.
Q To whom did she belong? A She belonged to Joe Vann.
Q Give me the name of your mother's mother? A I couldn't; I don't know.
Q Well, is there anybody here who knows anything about your mother, where she was after the war? A Yes sir, I guess so; Crap Lyach and Katie Vann.

Katie Vann, being sworn and examined by Commissioner C. E. Breckinridge, testified as follows:

- Q Give me your full name. A Katie Vann.
Q How old are you? A I am about 56, I guess.
Q What is your postoffice? A Lexapah.
Q In what district do you live? A Cooweescoowee.
Q Do you know this applicant here Joe Martin? A Yes sir, I know him.
Q Do you know him well? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Lived here all your life? A During the war time I was out.
Q Did you ever know this young man's mother? A Yes sir.
Q What is her name? A Martha Vann.
Q And she married a man named Martin, didn't she? A Yessir.
Q To whom did Martha Vann belong? A She belonged to Joe Vann's daughter; she married a McHair.
Q Was McHair a Cherokee citizen? A Yes sir.
Q And was Joe Vann's daughter to whom this woman belonged a Cherokee citizen? A Yes sir.
Q Was this Martha Vann a slave in the Cherokee Nation when the war broke out? A Yes sir.

She was little but she was a slave.

Q Where did she go during the war? A To Kansas.

Q Did you belong to the same people? A I did not, my husband did.

Q Was you with Martha Vann in Kansas? A I was near there; I wasn't with her.

Q When did you come back to the Cherokee Nation? A In the spring of '66.

Q When did she come back? A She come back in the fall of '66.

Q She didn't come back with you? A No sir.

Q How do you know she come back in the fall of '66? A Every body said it was in the fall of '66; they moved in Saline District.

Q How long after you got back before you saw her? A I couldn't tell about that at all; I wasn't paying any attention.

Q What was the first time and the first place you remember seeing her after the war? A Well, I seen her in Kansas after the war.

Q I mean over in the Cherokee Nation? A In Saline District on Spring Creek near our old home, Mr. Vann's place.

Q What was she doing there? A She was with her mother and father.

Q How long was that after you got back? A About six months, I guess; I think it was.

Q You think you saw her within six months after you come back? A Yes sir.

Q How long has Martha Vann been dead? A I don't know whether it is 18 or 13 years; couldn't tell which; it maybe longer than that.

Q How old was this young man when his mother died? A I don't know that.

Commission of Applicant: Do you remember your mother? A No sir.

Katie Vann, recalled: Had she lived ever since the war in your neighborhood, this Martha Vann? A No sir.

Q How long did you and she live in the same neighborhood? A I don't know how long; I couldn't tell you that. We lived in Saline District; after we moved from Saline District we moved in Cooweescoowee.

Q You did? A Yes sir.

Q And they stayed back in Saline? A Yes, they stayed back in Saline. She was a girl. I don't know when she moved to Saline.

Q Do you mean Saline or Cooweescoowee? A Cooweescoowee.

Q Did they come to your neighborhood? A Yes sir.

Q Did she live in your neighborhood until she died? A No sir, she come down to the river here, and married down here.

Q Did you know Warren Martin? A Yes sir.

Q Was he a Cherokee Freedman? A Yes sir.

Q To whom did he belong? A I don't know which one he belonged to Martin.

Q How old would this Martha Martin, or Martha Vann be if she were living now? A Well, I don't know exactly how old.

Q Would she be as old as you? A O, no sir.

Q How much younger than you? A She is younger than some of my children. She was just a little child, a little girl, at the commemoial of the war.

Q She would be something like 45 years old now, wouldn't she? A I don't think she would be 45. She might be.

Q Was she as much as 15 or 16 years old when the war broke out? A I don't think she was.

The applicant's mother and father not identified on the authenticated roll of 1880.

J. S. Davenport: How old was this boy's mother when the war broke out? A I couldn't tell you how old she was.

Q Was she grown? A No sir, she wasn't grown.

Q You remember she went to Kansas during the war? A Yes sir.

Q Do you remember positively what year she come back? A She come back in '66.

Q What makes you think it was '66 she come back? A Why they called it '66; everybody said it was '66.

Q Now you came back in what year? A In '66.

Q Did she come back the same time you did? A No sir, she didn't come back with us; she might have come back the same time.

Q You came some time before or after the treaty was made. Was it before or after? A It was before the treaty was made.

Q And you don't know how long

3-J.M.

- Q And you don't remember how long you had been back when she came?
A No sir, she came that same year.
Q Are you sure it was the same year you came? A Yes sir.
Q Where did you go when you come back, to the home place? A
No sir, we went near there, the place they called Dave Vann's
place.
Q Was she Nelson Martin's wife or daughter? A She was Jim Vann's
daughter and Patsy Vann's daughter.
Q What was her husband's name? A Warren Martin.
Q Well, now, how near have you lived to them since they came back
in '66? A Well, I lived right near to them at different times;
we lived at one place in Saline District, not very far apart, and
then I moved away from there and then I come on Cabin Creek and
made a crop and then we moved from Cabin Creek in the neighborhood
of Coowesscoowee District.
Q Do you know whether or not this applicant's mother was living
in the Cherokee Nation in 1880? A Yes sir.
Q Where was she living in 1880? A I couldn't tell you now.
Q How do you know of her living in the Cherokee Nation? A Because
I never heard of her going out after she come.
Q You were living in the Cherokee Nation in 1880? A Yes sir.
Q You are on the 1880 roll? A Yes sir.
Q Ah, she isn't, but you were living near her in 1880? A Yes,
they had moved up in Coowesscoowee District.
Q And they were living near you in 1880? A Yes sir, and were
enrolled.

The applicant is identified on the Wallace Roll and on
the Berry Clinton Roll, but he is not identified on the roll
of 1880, or the census roll of 1896; he is 23 years of age and
claims to have lived in the Cherokee Nation all his life.
His mother is not identified on the roll of 1880, nor is
his father identified on the roll of 1880, both of whom
have been dead some 12 or 13 years. For the further consider-
ation of the testimony regarding the applicant's rights,
which he claims through the status of his mother, this appli-
cation will now be placed upon a doubtful card; the applicant
being classed as a Cherokee Freedman. The final decision
of the Commission will be made known to him at his postoffice
address.

Commissioner of Applicant:

- Q Is Nelson Martin living now? A I don't know whether he is or
not.
Q Who is Isabel Brown? A My aunt, Nelson Martin's daughter.
Q Isabel Brown was a sister of your mother? A A sister of my
father.
Q Isabel Brown is living now, is she? A Yes sir.
Q What is her postoffice? A Adair.
Q What is the name of her husband? A Jeff Brown.

Reference is made to the case of Isabel Brown et al.,
Cherokee Freedmen B - 265 for evidence showing the status
of this family.

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

Subscribed and sworn to before me this 18th day of May, 1901.

J. P. Rothberger
Commissioner.

73.

7.51 294

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

May 15 1904
Vinita
Del.

Post Office

District

1. Name *Joseph Martin*

Age 28

Owner's name

Citizenship

Year *Wallace* Page *126* No. *2652* District *Del.*

Parents:

Father

Franklin Martin -d- Citizenship *Col.*

Mother

Martha " " -d- Citizenship "

2. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

No. 1 - Joseph Martin Stenographer *Wm. H. H. H. H.*

Mr. John Wallace Cole and Joseph Martin.
" " A. C. Cole Page 127 No. 3172 Joe
Martin Sabine Dist.

X *24* T. *H. H. H.*

To be filed in case of Joe Martin.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T., May, 15th 1901.

In the matter of the applicatinn of Harvey Martin for the enrollment of himself, his wife and four children, as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Harvey Martin.
Q How old are you? A 28 or 29.
Q What is your post office address? A Adair.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A I claim to be.
Q Is your name on the roll of 1880? A I don't know as it is.
Q Who do you want to have enrolled? A Just my family.
Q How much family have you? A Four.
Q Four what, children? A Yes sir.
Q Have you a wife? A Yes sir.
Q What is your wifes name? A Gurtie.
Q How old is she? A 26.
Q Is she a Cherokee Freedman? A Yes sir her mother belonged to the Cherokees.
Q Is your wifes name on the roll of 1880? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Kerns rolls.
Q Is your wife on any of the rolls? A I think she is on the Wallace.
Q What are the names of your children? A Jordan.
Q How old? A 8.
Q Next? A Perry.
Q How old? A 6.
Q Next? A Mable.
Q How old? A 3.
Q Next? A Golatha.
Q How old? A One year.
Q What is your father's name? A Nelson Martin.
Q Is he living? A No sir.
Q Is his name on the roll of 1880? A No sir I think not.
Q What is your mother's name? A Henny Martin.
Q Is she living? A No sir.
Q Is her name on the roll of 1880? A No sir.
Q What is your wife's father's name? A Penn Majors.
Q What is your wife's mother's name? A Phyllis Majors.
Q Is her name on the roll of 1880? A I don't know as it was.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A To Joe Martin.
Q Was Joe Martin a Cherokee citizen? A Yes sir.
Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A Joe Martin.
Q Was this Joe Martin a Cherokee citizen by blood? A Yes sir.
Q Where was your father and mother taken to out of the Cherokee Nation during the war? A I dont know.
Q What proof have you that your father and mother are citizens? A I has my witnesses.

The 1880 authentic ted roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 127, No. 3168, Harvey Martin, Saline District.

- Q Did you draw Cherokee Strip money for your wife? A No sir but I drawed for my boy Jordan.

The Kerns-Clifton Roll of the Cherokee Nation examined and the

Harvey Martin 2.

the name of the applicant's son identified thereon as follows:
Page 127, No. 3175, Jordan Martin, Saline district.

- Q Where were you born? A Over on Grand River.
Q In the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Always lived here.
Q Living here now are you? A Yes sir.

ANDERSONmLYNOH, called and sworn as a witness by Commissioner
T. B. Needles, testified as follows on the part of the applicant:
(Examined by Com'r. Needles)

- Q What is your name? A Anderson Lynch.
Q How old are you? A 64.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q As a Cherokee Freedman? A Yes sir.
Q Do you know the applicant here? A Yes sir.
Q Did you know his father? A Yes sir.
Q What was his father's name? A Nelson Martin.
Q Did you know his mother? A Yes sir.
Q What was her name? A Henny Martin.
Q Is she living? A No sir.
Q Was Nelson Martin a slave? A Yes sir.
Q To whom did he belong? A Joe Martin.
Q Was he a Cherokee citizen by blood? A He was.
Q Was Nelson Martin taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A Kansas.
Q When did he return to the Cherokee Nation from Kansas after
the war? A He came to my place in '66.
Q Was you living there then --- came to where you was living in
1866? A Yessir, in the fall of '66.
Q Did he remain in the Cherokee Nation after that till he died?
A Yes sir.
Q Was his wife Henney with him when he came to your place? A Yes sir.
Q Has she been a slave before the war? A Yes sir.
Q Who did she belong to? A To the same man.
Q Joe Martin?m A Yes sir.
A Nelson and Henny Martin were this applicant's father and mother?
A Yes sir.
Q And they came back to the Cherokee Nation in 1866? A Yes sir.
Q And livedyhere after that until they died? A Yes sir.
Q Do you know Harvey Martin to be their child? A Yes sir.
Q Did you know his wife's father and mother -- his wife Gurtie?
A Her mother was named Phylliss Majors, yes sir I, knowed her, but
I don't know who her father was.
Q His wife is named Gurtie and her mother was named Phyllis Majors?
A Yes sir, she is dead, Gurtie's mother.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A I don't know the name.
Q Do you know where she was in '66? A No sir.

By L. B. Bell, Cherokee Representative.

- Q What place were you living on in '66? A The Charles Landrum place,
on this side of the river.
Q How long did you live there? A That winter and the next year I
crossed the river and went on the Lynch place.
Q When did you get back here? A I came back in '66.
Q Did you see Lon Lynch in '66? Do you know him? A I know him,
yes sir, I rented a place from him.
Q You saw him in '66 did you? A I think I saw him in '66.
Q You must have seen him if you rented a place from him? A Yes sir.
Q What time in that year did you rent that place from him? A It was

in the Spring like.

Q You say Nelson Martin come to your place? A Yes sir.

Q When? A In the fall of '66.

Q Well what part of the fall, there is three months of fall, was it the middle or early or late in the fall? A Frost was falling when he come down.

Q Did he settle there? A He never settle right away, he rented.

Q Where did he rent? A He rented a place from me.

Q Where was that place he rented from you? A On the old Harrison place.

Q In Saline District? A Yes sir.

Q The other side of the river? A Yes sir.

Q That was in the year 1867? A It mast have been along there.

Q Then what became of him? A Then he moved from there and went and made a place where the Scrapers are living, there he got a place from Watt Johnson.

Q How far was that from where you were living? A About four miles.

Q Was that on Lynch's prairie? A Yes sir, near there.

Q Where did you make a crop in '67? A I didn't make a crop that year at all, I rented it to old man Nelson Martin.

Q Do you recollect when you moved from the Landrum place to the Harrison place? A Must have been in '67 I don't know just exactly what month it was as I never kept no track of it.

Q You can't recollect when you crossed the river? A It was the next year after I saw Nelson Martin.

Q Well if you saw him in 66 that would be in 67 wouldn't it? A Yes sir.

Q And you say you moved from the Landrum place to the Lynch place after you had rented the Harrison place to Nels. Martin? A Yes sir.

Q When was that? A The following year after he come there - he come that late fall or winter and staid with me and camped out and then he made a crop the next year.

Q You are certain that Nelson Martin made a crop on the old Harrison place in the year 1867? A Yes sir as near as I can reason it out.

Q Do you think he brought his family with him when he come to your house? A Yes sir.

Filmore Hicks, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant:

Q What is your nme? A Filmore Hicks,

Q What is your age? A 53.

Q What is your postoffice address? A Vinita.

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

Q By blood? A Yes sir.

Q Do you know Harvey Martin? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Nelson Martin.

Q Was he a slave? A Yes sir.

Q To whom did he belong? A Joe Martin.

Q Was Naleosn Martin taken out of the Cherokee Nation during the war? A Yes, sir, he was away.

Q When did you first see Nelson Martin after the close of the war? A My first recollection of seeing him after the war was at Crap

Lynch's place -- on the old Landrum place.

Q In the Cherokee Nation? A Yes sir.

Q Was this applicant here, his son? A Yes sir.

By L. B. Bell:

Q Where did Nelson Martin settle first after you saw him that first time? A My recollection is that he settled at the old Harrison place, that is, made a crop there.

Q Then you don't know for a certainty that he did make a crop there?

A I am not certain that he did, seems to me that he did, I wont be

Harvey Martin 4.

positive; I know that I saw him there at Crap Lynch's, but I did not examine about the crop.

Q Do you know anything about Nels. Martin's family in 1866? A He was the only one that I saw.

Q When did you first see Nels. Martin's family in the Cherokee Nation after '66 or including it? A I saw them at the Harrison place, at Crap's.

Q That was in '67 wasn't it? A I think it was the next year after I had seen Nelson the first time.

Q You stated that you rented a place, or made a crop, as far as you know in '67? A Yes sir.

Q In the winter of '66 when you saw Nels. Martin first you didn't see his family? A No sir.

Q Your first recollection of them was in the year following? A Yes sir.

By Commission:

Q Did you know Harvey's mother? A Yes sir.

Q What was her name? A Henny.

Q Was she a slave? A Yes sir.

Q Was she with Nelson Martin when you saw him in '66? A I didn't see the family then, just saw him.

Q Do you know Harveys' wife? A No sir I don't.

Q You are positive that you saw Nelson Martin here in '66? A Yes sir.

Q Was his family with him? A I didn't see them.

Applicant re-called, examined by Commissioner:

Q When did your father die? A Last February a year ago.

Q When did your wife's mother die? A She has been dead a long time.

Q You don't know why your father's name was not on the roll of 1880?

A No sir I don't.

By Com'r Needles,--

Harvey Martin applies for the enrollment of himself, his wife, Gurtie, and four children, Jordan, Perry, Mable and Golatha; his name and the name of his wife cannot be found upon the authenticated roll of 1880; he is identified on the Kerns-Clifton pay roll, and his oldest son, Jordan is also identified on the Kerns Clifton roll. The name of his wife cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, from the information given by the applicant. They make satisfactory proof as to residence. Consequently the said Harvey Martin, and his wife Gurtie, and their four children, Jordan, Perry, Mable and Golatha, will be listed for enrollment as Cherokee Freedmen on a doubtful card awaiting the further consideration of the Commission. It will be necessary for him to file with this Commission satisfactory proof of the birth of his three youngest children, Perry, Mable and Golatha they not having been identified upon any of the rolls. When the Commission arrives at a decision as to the rights of the said Harvey Martin, his wife and children, he will be notified by mail at his post-office address.

* * * * *

Harvey Martin 5.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings on 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 17th ~~th~~ of May, 1901, at
Tulita, I. T.

C. R. Breckinridge,
Commissioner.

The Undersigned, being sworn, says that as stenographer to the Commission to the Five Civilized Tribes that the above is a full, true and correct copy of the original.

Subscribed and sworn to before me, this 15th day of July, 1901.

S. G. Cheater
[Signature]
Commissioner.

To be filed in case of Joe Martin.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 15, 1901.

In the matter of the application of Isabella Brown for the enrollment of herself and five children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Isabella Brown.
Q How old are you? A 40 years old.
Q What is your postoffice address? A Adair.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the authenticated roll of 1880? A No sir, I don't think it is.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you? A I have got six.
Q You apply to enroll yourself and six children then? A Yes sir.
Q Give me the names of your children, please? A Richard.
Q How old is he? A He is 24, I believe.
Com'r: He must apply for himself.
A Well, George.
Q How old is George? A He is 21.
Com'r: He must apply for himself.
Q How many children have you got under 21 years of age? A I have got them down here. (Hands Commissioner list of names.)
Q Warren, is one is it? A Yes sir.
Q 19 years of age, that right? A Yes sir, well I just guessed at it.
Q Lucinda, about 17? A Yes sir.
Q What is the next one? A Dovie.
Q 15 years of age? A Yes sir.
Q What is the next one? A Cag.
Q Cag, about 9? A Yes sir.
Q Alfred? A Four.
Q That makes five children? A That's all.
Q You say your name is not on the roll of 1880? A No sir, I don't think it is, it's on the Wallace Roll.
Q Are you married? A Yes sir.
Q What is your husband's name? A Jeff Brown.
Q Is he a citizen? A No sir.
Q What was your father's name? A Nelson Martin.
Q What was your mother's name? A Jennie Martin.
Q Are they living? A No sir.
Q Are you a sister of Harvey Martin? A Yes sir.
Q Older sister of Harvey Martin? A No sir, I aint older.
Q Well, anyway the testimony in your case will be the same as his wouldn't it? A Yes sir.
Q Did you draw Strip money for any of these children? A Yessir, for all of them.
Q For yourself? A Yes sir, and all but the one four years old.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Kerns Clifton Pay Roll of citizens of the Cherokee Nation examined, and applicants identified thereon as follows:

- page 127 #3159 Isabel Brown, Saline District;
page 127, #3162 Wame or Warren Brown, Saline District;
page 127 #3163 Cinda Brown, Saline District;
page 127 #3164 Dova Brown, Saline District;
page 127 #3165 Key Brown, Saline District.

- Q Have you any further witnesses to your citizenship other than your brother, Harvey had here this morning? A No sir, same thing.
Q Were you born a slave? A Yes sir.
Q To whom did your father and mother belong? A Joe Martin.

Isabella Brown et al 2

Q You recollect when you returned to the Cherokee Nation? A No sir, I don't.

Q You were taken out, did you come at the same time your brother Harvey did? A Yes sir.

Q And you have lived here ever since? A Yes sir; ever since; I don't know no other place.

Com'r Needles: Isabella Brown applies for the enrollment of herself and five children, Warren, Lucinda, Devie, Cag and Alfred Brown; her name is not found upon the authenticated roll of 1880 nor upon the census roll of 1896; she and her four oldest children are identified upon the Kerns Clifton roll, and it will be necessary for her to file satisfactory proof of birth as to Alfred, her youngest child; she avers that she is the daughter of Nelson and Hennie Martin, and that she is a sister of Harvey Martin, who applied this day to be enrolled as a Cherokee citizen, and the testimony in whose case was taken, on D card 280; she avers that the testimony as to her citizenship will be similar to that of her brother, Harvey, consequently, the testimony taken in the application of Harvey Martin, on card D 280 is referred to and will be made a part of the record in this case, copies of the same will be filed;—consequently, Isabella Brown and her five children enumerated herein will be listed upon a doubtful card as Cherokee Freedmen, awaiting the consideration of the Commission; she will be notified of the decision of the Commission in her case, by mail.

-----*****-----

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 May 16, 1901.

T. B. Needles,
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that he made ~~the~~ the above copy, and that it is a full, true and correct copy of the original.

Subscribed and sworn to before me this 15th day of July, 1901.


Commissioner.

9

470 294

F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
... day of ... A. D. 190.

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of, 190 ..

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

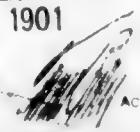
I do solemnly swear that I delivered a
true copy of the within notice to

on the ... day of ... A. D. 190

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 2 1901



ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Joe Martin
for enrollment as Cherokee Freedmen:

Case No. F. D. 294

To Joe Martin Vinica, I. T.

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 Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Indian Territory, on Oct. 22 1901 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 Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this

J. B. Bell

W. W. Hastings

.....
Attorneys for the Cherokee Nation.

F.P.T.

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

In the matter of the application for the enrollment of Jennie Martin et al., as Cherokee Freedmen, consolidating the applications of:

Jennie Martin	Cherokee Freedmen D 197
Harvey Martin et al.,	Cherokee Freedmen D 280
Arthur Martin	Cherokee Freedmen D 281
Harvey Martin	Cherokee Freedmen R 81
Isabella Brown et al	Cherokee Freedmen D 285
Rachel Todd et al.	Cherokee Freedmen D 286
Richard Brown et al.	Cherokee Freedmen D 291
Joe Martin	Cherokee Freedmen D 294
George Brown	Cherokee Freedmen D 297

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission by Fred Martin for his wife, Jennie Martin, among others, the other parties to said application being differently classified, are not embraced in this decision; by Harvey Martin for himself and minor children, Jordan, Perry, Mabel and Galatha Martin; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Grover C. Martin; said application also included Gertie Martin, wife of said Harvey Martin, but as her name is not found upon any of the rolls of the Cherokee Nation at this time, she is not embraced in this decision; by Arthur Martin for himself and minor child, Harvey Martin; by Isabella Brown for herself and minor children, Warren, Lucinda, Dovie, Cag and Alfred Brown; by Rachel Todd for herself and minor children, Henrietta, Louisa, Minnie, Julia, Viola and Opelia Todd; by Richard Brown for himself and minor children, Essie and Isabel Brown; that subsequent to the date of the original application, a birth affidavit which is made a part of the record herein, was filed with the Commission showing the birth of Wary Brown; by Joe Martin for himself and by George Brown for himself.

The evidence shows that all the applicants herein, except Jennie Martin, were born since the commencement of the rebellion; that all of said applicants are the descendants of one Nelson Martin and his wife Henny Martin; and that all, except Jennie Martin and Joe Martin, base their rights solely upon the rights of said Nelson Martin and wife, Henny Martin.

The evidence further shows that Nelson Martin, his wife Henny Martin, and daughter, Jennie Martin, were slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken to Kansas during the rebellion and did not return to and establish their residence in the Cherokee Nation until after the time specified, in the decree of the Court of Claims, rendered February

3, 1896, in the case of Moses Whitmore, trustee, etc., vs Cherokee Nation, et al., for the return of Freedmen to the Cherokee Nation.

The evidence further shows that Joe Martin is the son of Martha Martin, nee Vann, who was the slave of a Cherokee citizen at the commencement of the rebellion; that Martha Martin was taken out of the Cherokee Nation during said rebellion, but returned thereto in the fall of 1866; and that the said Joe Martin has resided in said nation all his life.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jennie Martin, Harvey Martin, son of Nelson Martin, Jordan Martin, Perry Martin, Mabel Martin, Galatha Martin, Grover C. Martin, Arthur Martin, Harvey Martin, son of Arthur Martin, Isabella Brown, Warren Brown, Lucinda Brown, Dovie Brown, Gag Brown, Alfred Brown, Rachel Todd, Henrietta Todd, Louisa Todd, Minnie Todd, Julia Todd, Viola Todd, Opelia Todd, Richard Brown, Essie Brown, Isabel Brown, Mary Brown and George Brown, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that Joe Martin should be enrolled as a Cherokee Freedman, in accordance with the provisions of said section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tans Bixby,
Chairman.

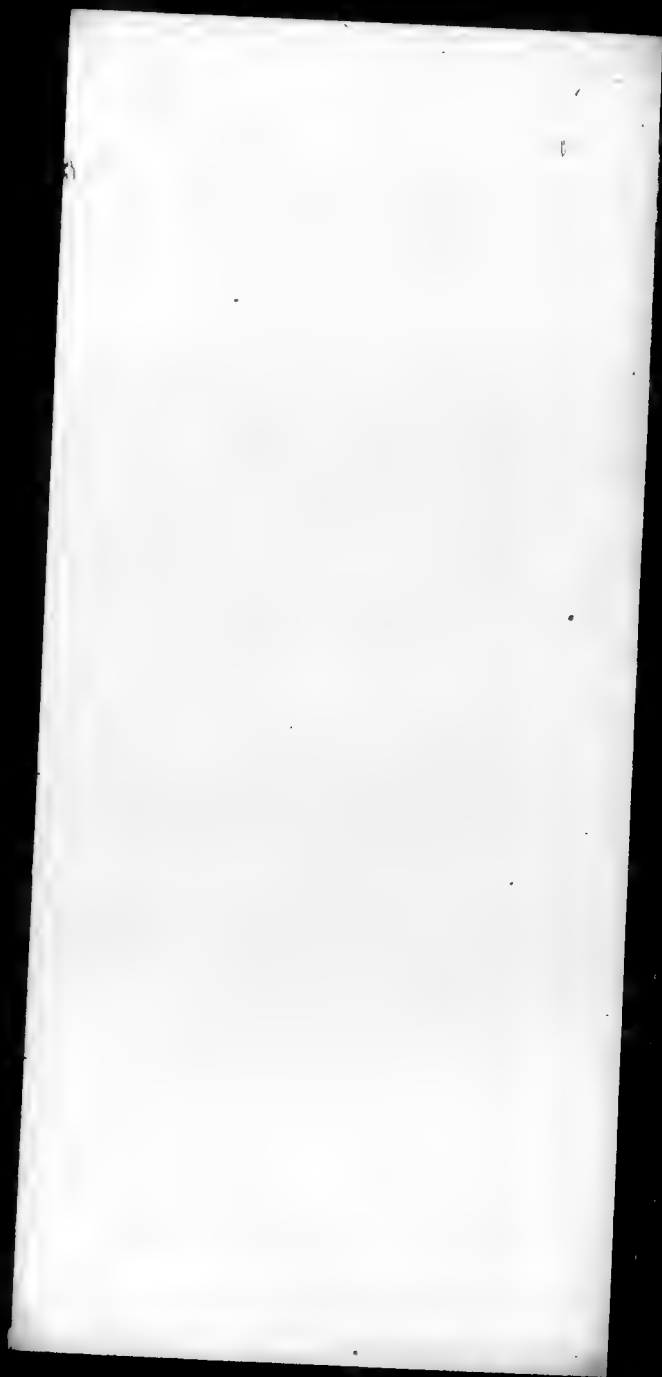
I. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

W. E. Stanley,
Commissioner.

Dated at Muskogee, I. T.

this March 5, 1904.



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joe Martin,
Vinita, I.T.
Cherokee F-D-294
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-294.

Muskogee, Indian Territory, April 11, 1904.

Joe Martin,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 8, 1904, in the consolidated case of Jennie Martin et al., granting your said application.

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

Respectfully,

Register

Enc. D-27.

Commissioner in Charge.

Cherokee Freedmen
D 197 et al.

Muskogee, Indian Territory, April 11, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jennie Martin et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Jennie, Harvey, Jordan, Perry, Mabel, Galatha, Grover C., Arthur and Harvey Martin, Isabella, Warren, Lucinda, Dovie, Cag, Alfred, Richard, Essie, Isabel, Mary and George Brown, Rachel, Henrietta, Louisa, Minnie, Julia, Viola and Opelia Todd as Cherokee freedmen, and granting the application for the enrollment of Joe Martin as a Cherokee freedman.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-31.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 29, 1904.

Refer in reply
to the following:

Land.

25163-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 11, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Jennie Martin for herself; by Harvey Martin for himself and minor children, Jordan, Perry, Mabel, Galatha and Grover C. Martin; by Arthur Martin for himself and minor child, Harvey Martin; by Isabella Brown for herself and minor children, Warren, Lucinda, Dovie, Gag and Alfred Brown; by Rachel Tedd for herself and minor children, Henrietta, Louisa, Minnie, Julia and Ophelia Tedd; by Richard Brown for himself and minor children, Essie, Isabel and Mary Brown; by Joe Martin for himself, and by George Brown for himself.

March 5, 1904, the Commission decided favorably in the case of Joe Martin and unfavorably to all the others.

The record shows that all the applicants except Jennie Martin and Isabella Brown were born since the close of the war; that all of the applicants are the descendants of one Nelson Martin and his wife, Henny Martin; that all except Jennie Martin,

Isabella Brown and Joe Martin base their rights solely upon the rights of Nelson Martin and Henny Martin, his wife. The evidence further shows that Nelson Martin, Henny Martin, his wife, and his daughters, Jennie Martin and Isabella Brown were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return and establish a residence in the Nation prior to February 11, 1867.

The evidence further shows that Joe Martin is the son of Martha Martin, born Vann, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that Martha Brown was taken out of the Cherokee Nation during the war, but returned thereto prior to February 11, 1867, and that the said Joe Martin has resided in the Cherokee Nation all his life.

All of the applicants appear to be identified on the Kern-Clifton roll, and Richard Brown and Joe Martin are identified on the Wallace roll. None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision favorable to Joe Martin and unfavorable to all the other applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(COPY)

DEPARTMENT OF THE INTERIOR,

W. C. F.
Y. P.
PHE

D. C. 45434-1904.

WASHINGTON. November 22, 1904.

I. T. D. 8710-1904.

LRS.

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

Gentlemen:

April 11, 1904, you transmitted the record in the consolidated Cherokee freedman case of Jennie Martin, et al. (D 197 et al), including your decision of March 5, 1904, granting the application for the enrollment of Joe Martin, and rejecting all the other applicants in said case.

Reporting in the matter September 29, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-1904.

Muskogee, Indian Territory, December 7, 1904.

Joe Martin,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 22, 1904.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Tamc Dixey.
Chairman.

COPY.

Cherokee Freedmen
D-137, et al.

Muskogee, Indian Territory, December 2, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated March 3, 1904, regarding the applications for the enrollment of Jennie, Harvey, Jordan, Perry, Mabel, Salatha, Mover C. W., Arthur Larkin; Isabella, Warren, Lucinda, Dowle, GAZ, Alfred, George, Richard, Essie, Isabel and Mary Ann, and Rachel, Henrietta, Lydia, Winnie, Tallie, Viola and Opella Todd, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on November 22, 1904.

Respectfully,

W. H. ...
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BEALL,
Secretary.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 27, 1905.

Joe Martin,

Vinita, Indian Territory.

Dear Sir.

You are hereby advised that the name of yourself appears upon a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on April 19, 1905.

You are further advised that you will be permitted to make an allotment selection for yourself when your ticket of admission is reached in the regular order.

Respectfully,



Chairman.



Return to Writer.
UNCLAIMED.

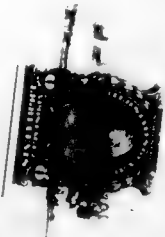
MUSKOGEE

Indian Territory

The Nation

530
487

REGISTERED
MAY 17 1901
MUNTA, IND. TER.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Cher Fr 1424

Cher Fr 1424



Cher Fr 1424

Cher Fr 1424

DEPARTMENT OF THE INTER
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 16 1901

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T.T., May 16, 1901.

In the matter of the application of Andrew Bean for the enrollment of himself, two brothers, one sister, and one nephew as Cherokee Freedmen.

Andrew Bean, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Andrew Bean.
- Q What is your age? A 37.
- Q What is your post office address? A Chelsea.
- Q What district do you live in? A Cooweescoowee.
- Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q You been recognized by the Cherokee authorities as a Cherokee Freedman? A Well, I don't know, I have been drawing the moneys.
- Q Is your name on the roll of 1880? A I don't know whether it is or not, it ought to be.
- Q Is your name on any of the Cherokee rolls? A I know it is on the Wallace and the Clifton.
- Q Who do you want to enroll besides yourself? A I have some sisters and brothers I would like to enroll.
- Q Are they of age? A No, sir, one brother is 20, I think, and my sister is about 18, and then I have another brother about 14.
- Q What is your oldest brother's name? A Sandy Bean.
- Q What is the next one? A Lottie, she is about 18.
- Q The next child? A Rector.
- Q How old is Rector? A He is 14; and I have a little nephew that I have raised there, Henry B. Riley is his name, it is on the roll that way.
- Q How old is he? A He is 11 years old.
- Q Are you married? A Yes, sir.
- Q Got a family? A Yes, sir, I have a wife and one child.
- Q Want to enroll them? A They were enrolled here the other day; they were on the old roll.
- Q What is your father name? A John Bean.
- Q Is he living? A No, sir, he is dead.
- Q What is your mother's name? A Clarinda.
- Q Is she living? A No, sir, she is dead.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
- The 1886 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
- The Kerns-Clifton roll examined, and the applicants identified thereon as follows:
- Andrew Bean on page 148, No. 3670, Cooweescoowee district;
- Sandy Bean on page 148, No. 3671, Cooweescoowee district;
- Lottie Bean on page 148, No. 3672, Cooweescoowee district;
- Rector Bean on page 148, No. 3673, Cooweescoowee district.
- Q Did you draw money for this boy Riley? A Yes, sir.
- Henry B. Riley on page 148, No. 3674, Henry McNair, Cooweescoowee district.
- Q How does this boy's name happen to be McNair on the roll? A I think his father went by the name of McNair.
- Q What is his father's name? A Mose Riley.
- Q I thought you said he went by the name of McNair? A His right name is McNair, we all call his Riley.
- Q What is his mother's name? A Emma Bean.
- Q Is Mose McNair living? A Yes, sir.
- Q Is Emma Bean living? A No, sir.
- Q Why don't Mose McNair enroll his own child? A I don't know, I have raised him up, I guess he hasn't any right, I raised him.
- Q Is this boy's mother's name on the roll of 1880? A I don't know whether it is or not.
- Q Is his father's name on the roll of 1880? A I don't know sir.

Andrew Bean - 2.

whether it is or not, I can't say.

Q I think it would be a good idea to let the father enroll this child? A He has been enrolled, he enrolled last Saturday.

Q You say his mother is not living? A No, sir, dead; died when he was quite a kid.

Q You know whether Mose McNair and his mother ever ever married or not? A No, sir, they never were married.

Q Your name isn't on the roll of 1860; has your father been enrolled; is John Bean living? A No, sir, he is dead.

Q Is your mother Clarinda? A No, sir, she is dead.

Q Where were you born? A I was born over on Grand River, in Delaware.

Q In the Cherokee Nation? A Yes, sir, in Delaware district.

Q Your brother Sandy, and Lottie and Rector born over there? A Sandy was born over there and Lottie and Rector was born in Coowees-coowee.

Q All born in the Cherokee Nation? A Yes, sir.

Q Have they always lived in the Cherokee Nation? A Yes, sir, ever since I have known them, never was out.

Q Was your father a slave? A Yes, sir.

Q Was your mother? A Yes, sir, so they said.

Q Have you got any testimony here to prove that? A Yes, sir.

Q Where is your witnesses? A Joe Bean, Amy Bean, and Tohe Bean.

Joe Bean, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joe Bean.

Q What is your age? A 54.

Q What is your post office address? A Spavinaw.

Q Do you know Andrew Bean? A Yes, sir.

Q Do you know his brother Sandy? A Yes, sir.

Q Sister Lottie and brother Rector? A Yes, sir.

Q Who was their father? A Jack Bean.

Q Is he living? A No, sir, he is dead.

Q Who was their mother? A Clarinda Bean.

Q Is she living? A No, sir, she is dead.

Q Were they slaves, his father and mother? A Yes, sir.

Q Who did they belong to? A His father belonged to Adair.

Q Who did his mother belong to? A Lucy Martin.

Q Were they taken out of the Cherokee Nation during the war?

A Yes, sir.

Q Do you know when they returned? A '66.

Q They both returned in '66? A Yes, sir, about, he was.

Q Were they married before that time? A No, sir.

Q They married afterwards? A Yes, sir.

Q Do you think now John Bean and Clarinda were in the Cherokee Nation in 1866? A Yes, sir, John Bean was here in '66.

Q Did they come here with you? A Yes, sir.

Q Did they all come together? A Yes, sir.

Q Is your name on the roll of 1880? A No, sir.

Q These children of John Bean that are applied for, they were born and raised in the Cherokee Nation? A Yes, sir.

By L.B. Bell, Cherokee attorney: Were they in that Horse Creek crowd that had a fight? A Yes, sir, he was.

Q Who was this Clarinda's father and mother? A Old Uncle Adam and Charlotte.

Tohe Bean, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Tohe Bean.

Q What is your age? A 63.

Andrew Bean - 3.

- Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Penn Adair.
Q Do you know the applicant here, Andrew Bean? A Yes, sir.
Q And Sandy Bean and Lottie and Rector Bean? A Yes, sir.
Q What was their father's name? A Jack Bean.
Q Their mother's name? A Clarinda Bean.
Q Were they slaves? A Yes, sir.
Q Who did they belong to? A Jack Bean belonged to Adair.
Q Who did Clarinda belong to? A She belonged to the Lucy Martin estate, she died before the war a good while, and she belonged to the Lynches when the war came up.
Q She died before the war, her mistress? A Yes, sir.
Q Were Jack and Clarinda Bean taken out of the Cherokee Nation during the war? A Yes, sir.
Q Where to? A Kansas.
Q When did they return? A In 1866.
Q Did they return with you? A Yes, sir.
Q You returned in '66? A Yes, sir.
Q Were they ~~engaged~~ with the party that were engaged in the fight on Horse Creek? A Yes, sir, Jack Bean was.
Q Jack Bean, the father? A Yes, sir.
Q You knew the father and mother of these children well, did you? A Yes, sir.
Q Both died in the Cherokee Nation? A Yes, sir.
Q They are both dead, are they? A Yes, sir.

Amy Bean, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A A y Bean.
Q What is your age? A 45.
Q What is your past office? A Vinita.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Ross.
Q Your name on the roll of 1860? A Yes, sir.
Q You are recognized by the Cherokee authorities yourself? A Yes, sir.
Q Well now, do you know the applicant, Andy Bean, Sandy Bean, Lottie and Rector? A Yes, sir.
Q Who was their father? A Jack Bean and Clarinda.
Q Who was their mother? A Clarinda Bean.
Q Was Jack and Clarinda slaves before the war? A Yes, sir, so said to be.
Q Who did Jack belong to? A I really don't know; said to belong to Adair; I was quite a child before the war.
Q Do you know who Clarinda belonged to? A No, sir.
Q Do you know when Jack Bean and Clarinda came back to the Cherokee Nation after the war? A I don't know just when they did, but I know when he did.
Q When did he come? A He came in '66; we were living at Fort Gibson at that time, and my uncle Lewis Martin came on there at that time and he came down with them.
Q You knew them well did you? A Yes, sir.
Q When did you come back? A I was always done here, I never went out.

~~XXXXXXXXXX~~ Andrew Bean, recalled, testified:

- Q Henry B. Riley is the son of Emma Bean, is he? A He is the son of Emma Bean.
Q He is the son of Mode McHair? A Yes, sir.
Q And Emma Bean his mother? A Yes, sir.

Andrew Bean - 4.

Q Was Moses McNair ever married to Emma Bean? A No, sir.

Q Where is Emma Bean, she is not living? A No, sir, she is dead.

Q What relation was she to you? A Sister.

Mr. Bell: Jack Bean's daughter? A Yes, sir.

Commissioner: Well Emma Bean then was the child of Jack Bean and Glorinda? A Yes, sir.

Q And an own sister of yours? A Yes, sir.

Q And Henry B. Riley is with you, you have raised him, and he is the child of Emma Bean? A Yes, sir, I have raised him from a little kid.

Q Was Emma Bean born and raised in the Cherokee Nation? A Yes, sir.

Q Did she draw the Kerns-Clifton money? A No, sir, she was dead, she drew the Wallace roll.

Commissioner: Andrew Bean applies for the enrollment of himself, his brother Sandy, sister Lottie, and his brother Hector, and his nephew Henry B. Riley. His name does not appear upon the authenticated roll of 1880 and the names of the other parties applied for are too young to be upon said roll. They are all identified upon the Kerns-Clifton pay-roll. He makes satisfactory proof as to residence. Andrew Bean avers that he and his brothers and sisters are the children of John Bean and Glorinda Bean. He avers that Henry B. Riley is the son of his sister, Emma, now deceased. He avers that said Emma Bean is found upon the Wallace roll, but not upon the Kerns-Clifton roll, from the fact that she was not living at the time the Kerns-Clifton roll was made, and said Emma Bean is duly identified upon the Wallace roll, according to pay and number as indicated. Satisfactory proof is made as to their residence, and they are all duly identified, but by reason of the fact that the names of the father and mother of said applicants are not upon the authenticated roll of 1880 and the further fact that the Cherokee Nation protests against their enrollment, the names of the said Andrew Bean, Sandy Bean, Lottie Bean, Hector Bean, and Henry B. Riley, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration by the Commission. When a conclusion is arrived at in their case, the said Andrew Bean will be duly notified of the same in due course of mail.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of May, 1901.

W. H. ...


Commissioner.

B.

J.D. 313.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 16 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 15 1901*
Post Office *Jhelena St.*
District *Conversville*

1. Name *Andrew Bean* Age *37*

Owner's name _____ Citizenship _____

Year *K.C.* Page *148* No. *3670* District *Co.*

Parents:
Father *John Bean - dead* Citizenship _____
Mother *Harinda - dead* Citizenship _____

Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- 2 | *Sandy Bean* Year *K.C.* Page *148* No. *3671* Dist. *Co.* *20*
- 3 | *James "* Year *"* Page *148* No. *3672* Dist. *"* *18*
- 4 | *Rector "* Year *"* Page *148* No. *3673* Dist. *"* *14*
- 5 | *Henry B. Riley* Year *"* Page *148* No. *3674* Dist. *"* *11*
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

Application made by *M. I.* Stenographer *R. C. Jones*

5 On K.C. roll as Henry Mc Nair

Supplemental D-313, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 13, 1901.

In the matter of the application of Andrew Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony.

Application for enrollment of child of Lottie Bean.

Appearances:

Applicant appears in person;
J. S. Davenport, of counsel for Cherokee Nation.


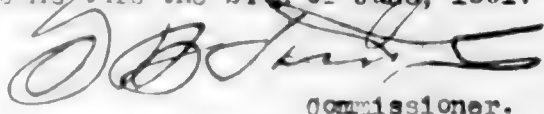
Lottie Bean, being duly sworn, ~~anyway~~ and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Lottie Bean.
Q How old are you? A 18.
Q Who do you want to have enrolled here? A My baby.
Q What is its name? A Pearlle Martin.
Q What is your father's name? A John Bean.
Q What is your mother's name? A Clarinda Bean.
Q Have you a brother named Andrew Bean? A Yes, sir.
Q Is he your oldest brother? A Yes, sir.
Q Did he enroll you at Fort Gibson? A Enrolled me at Vinita.
Q Have you a child? A Yes, sir.
Q What is its name? A Pearlle Martin.
Q How old is it? A It is 2 years old.
Q Is it living now at this time? A Yes, sir.
Q Where is it? A It is out there, right out there.
Q Is it living with you? A Yes, sir.
Q Who do you live with? A Live with my brother.
Q Which one? A Andrew.
Q What is your other brother's name? A Sandy, Rector.
Q Why all live with Andrew? A Yes, sir.

Lottie Bean applies for the enrollment of her child, Pearlle Martin. She avers that she is the sister of Andrew Bean, who was enrolled on D card 313; she avers that the said Andrew Bean enrolled her at Vinita, and the records of the Commission show that the said applicant, Lottie Bean, was listed for enrollment with her brother Andrew on D card 313. She makes satisfactory proof as to the birth of her child Pearlle, consequently Pearlle Martin will be listed for enrollment as a Cherokee Freedman on the doubtful and with its mother, D-313

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 13th day of June, 1901.

Commissioner.

12

DN 12

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1901

[Handwritten signature]

CHEROKEE FREEDMEN.

Date..... *June 13, 1901*

Post Office.....

District.....

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. *Leanne Martin* Year Page No. Dist. *2*

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by *Lottie Bean, mother* Stenographer *B. B. Jones*

aff. of birth required,

June 19, 1901

CHEROKEE FREEDMAN. D 313

20

IN RE

Application for Enrollment of

INFANT CHILD

Pearlie Martin

as a citizen of

Canada

Nation.

Approved, JUN 1 1901 190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 13 1901

[Signature]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation,
 of *Pearlie Martin*, born on the *4* day of *December*, 1898
Here insert name of child.
 Name of Father: *Fred Martin*, a citizen of the *Cherokee* Nation.
 Name of Mother: *Lottie Bean*, a citizen of the *Cherokee* Nation.
 Post-office, *Chelsea I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

Northern INDIAN TERRITORY, District.

I *Lottie Bean*, on oath state that I am *18*
 years of age and a citizen, by *adoption*, of the *Cherokee* Nation;
 that I ~~was~~ ^{was} ~~am~~ the lawful wife of *Fred Martin*, who is a citizen, by
adoption, of the *Cherokee* Nation, that a *female* child was
(male or female)
 born to me on the *4* day of *December*, 1898, that said child has been
 named *Pearlie Martin*, and is now living.

WITNESSES TO MARK

Lottie Bean

(Must be Two Witnesses)

Subscribed and sworn to before me this *13* day of *June*, 1901.

Louis T. Brown NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

Northern INDIAN TERRITORY, District.

I *Sarah C. Martin*, a *midwife*, on oath state that I
 attended on *Miss Lottie Bean*, ~~unlawful~~ ^{unlawful} wife of *Fred Martin*,
 on the *4* day of *December*, 1898, that there was born to her on
 said date a *female* child; that said child is now living and is said to have been
 named *Pearlie Martin*.

WITNESSES TO MARK

Sarah C. Martin

(Must be Two Witnesses)

Subscribed and sworn to before me this *13* day of *June*, 1901.

Louis T. Brown NOTARY PUBLIC

appreciated and amount to please me this 11th day of April, 1908.

the original.
The above copy and their respective names and addresses copy of
to the Committee of the Live Ostrich of London the committee have
The members of the party with whom we wish to meet in London

18
A. J. Clayton

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

Supplemental testimony and proceedings in the matter of the application of NEATIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Mollette & Smith, attorneys for applicant.
W. W. Hastings, attorney for Cherokee Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows:

- Mr. Hastings: What is your name? A E. J. Clayton.
Q How long ago? A I was 58 years old the 22d day of February last.
Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I got here on the 7th day of September, 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A We called her Oneada.
Q When did you become acquainted with the husband and wife?
A I suppose about the 12th, I think. I put a wagon tongue in in the shop on the 12th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.
Q You did work at the wagon trade for that winter A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868, I think, I forget just now. He died there about that time, right south of me right on Roach's place.
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I have forgotten their names.
Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.
Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen him there, but never knew anything about him afterwards.
Q He lived around there until 1876? A Yes sir.
Q How long after you come there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two more brothers there.
Q What were their names?
A One was Tobe and the other was Peyt. I think he was older than Bill or Lou either one. Peyt was the next one.
Q How long did you know Tobe? A Until about 1876.
Q He was a brother to Louis and Bill Martin? A Yes sir.
Q And a brother to Peyton Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to know Peyton Martin up there?
A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1869, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow. I forget which. 1.

... away?
... but they caught him and brought him back, but did not appear
... then he went away to the Cherokee Nation, and I heard
... he was dead. I never knew anything about him after he left
... there.

Q That was in 1869? A Yes sir.
Q Did you know him continuously from 1867 to 1869?
A Yes sir, in 1867 and 1868. He worked for me in the harvest in
1868.

Q Did you know Feyt's wife? A Yes sir.
Q Did you know who he married?
A A girl by the name Hannah Sheals.
Q Do you know a brother of Oneatie Martin's, Jack Bean?
A Yes sir, I know him too.
Q When did you first know him?
A It could not have been later than the middle of September, 1867.
Q How long did you know Jack Bean? A He left there in 1868.
Q Was he living there when you came there in 1867?
A Yes sir, he had made a crop up there that summer.
Q He had a family? A Yes sir, he said he had, I never seen his
family to know them.

Q Did you know a colored man by the name of Tobe Bean?
A Yes sir. He was a brother to this Martin's wife, he said.
Q How long did you continue to know Tobe Bean up there?
A I know him until 1868. He helped me harvest in 1868, I think.
Q I am pretty sure he did. My brother and me was together there.
Q You and Bill Martin, the husband of Oneatie, worked together in
the shop in the fall of 1867? A Yes sir.
Q How long worked with you? A Yes sir. Both blacksmiths and good
workmen, I thought.

Q Is there any peculiar circumstances that makes you remember Jack
Bean, any trade that you made with him?
A He never paid me for a pistol that I brought out of the war.
I sold him a pistol that I brought home. He said he wanted to kill
a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.

Q Did you know Tobe Bean, who is an applicant for enrollment here,
in the Cherokee Nation?
A I don't know whether he is an applicant for enrollment or not.
Q How was Tobe Bean, was he a lame man? A I think so, for he had
a sore foot.
Q You will swear that it was the Tobe Bean you know?
A Yes sir, the brother of Oneatie Martin.
Q When did you know him first?
A He was there around the shop all the winter of 1867, pretty much.
Q The winter of 1866 and 1867, you mean?
A No sir, I was not here, it was 1867.
Q The winter of 1866 and 1867? A It was the fall of 1867 and the
spring of 1868.

Q Don't you know that Tobe Bean, that is an applicant here for
enrollment is not a lame man? A I don't know whether he is or not.

Q When did Oneatie Martin leave Kansas to come to the Cherokee
Nation? A In 1877 or 1878, I don't know which.
Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I
knew her in 1867.

Q You said 1877? A I said it was in 1877 when she come to the
Cherokee Nation, 1877 or 1878.

Q Was she there in 1877? A She was up there in 1877 or '78.
I forget which it was.

Q Where was Oneatie Martin in 1867?
A Lived on Roach's place, right south of Mapleton there.
Q Did she come to the Cherokee Nation in the fall of 1867?
A I don't know here in 1866. 2.

4

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the above copy and that the same is a true and complete copy of the original.

W. L. Schreiber, Jr.

Subscribed and sworn to before me this 14th day of April, 1902.

Philip S. Renter
Notary Public.

7 375
IN RE

Application for Enrollment of
INFANT CHILD

Alford Vann as a citizen of the

Cherokee Nation.

Approved _____ 190
June 21st _____ 2

Commissioner.

(Signed) **T. B. Needles**

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES/
F I L E D
JUN 21 1902

Tams Wixby, Acting Chairman.

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the _____ Nation,
of _____, born on the _____ day of _____, 190____
Name of Father: _____, a citizen of the Cherokee Nation.
Name of Mother: **Alford Vann**, a citizen of the Cherokee Nation.
Post-Office: **Rufus Vann** Cherokee
Sallie Vann Cherokee

AFFIDAVIT OF MOTHER,
Cherokee, I.T.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, **Northern**, on oath state that I am _____
years of age and a citizen, by _____, of the Cherokee Nation;
that I am the lawful wife of **Blood** Cherokee who is a citizen, by
_____ of the **Rufus Vann** Nation, that a _____ child was
(Male or female)
born to me on the _____ day of Cherokee 190____; that said child has been
named **13** **March**, and is now living **002**

Alford Vann
(Must be Two Witnesses) }
(Signed) **Sallie X Vann** her
(Signed) Josiah Smalley mk
Subscribed and sworn to before me this _____ day of _____ 190____
• **R. R. Miller**
24 May Notary Public

SEAL

(Signed) **David G. Elliott**
AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, **Northern**, a _____, on oath state that I
attended on **Malinda Bean** midwife
on the **Sallie Vann** day of _____, 190____; that there was born to her on said
date a **13** **March** child; **002** said child is now living and is said to have
named **Alford Vann**

(Must be Two Witnesses) }
WITNESSES TO MARK }
(Signed) **Malinda Bean**

Subscribed and sworn to before me this _____ day of _____ 190____
24 May 2

SEAL

(Signed) **David G. Elliott** Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 23, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of ANDREW BEAN, et al., as Cherokee Freedmen.

Appearances:

W. W. Hastings, Attorney for Cherokee Nation.

WILLIAM MARTIN, being first duly sworn, testified as follows:

- BY COMMISSION: What is your name? A William Martin.
Q How old are you? A About forty.
Q What is your post office? A Hayden, Indian Territory.
Q You were born since the close of the war? A Yes sir.
Q Do you know Andrew Bean, who has applied for enrollment here as a Cherokee freedman? A Yes sir.
Q He is the son of John Bean and Clarinda Bean? A Yes sir.
Q How long have you known him? A About twenty years.
Q Where has he lived during that time? A Cooweescoowee District most of the time, part of the time in Delaware District.
Q Has he ever lived out of the Cherokee Nation? A Not to my knowledge, no sir.
Q Were you well acquainted with him during those twenty years? A Yes sir.
Q Did you see him often? A I have for the last ten or twelve years, I lived right in the same neighborhood with him.
Q For the last twelve years he has lived continuously in the Cherokee Nation? A Yes sir.
Q Do you know Henry B. Riley? A Yes sir.
Q What relation is he to Andrew Bean? A Andrew is his uncle.
Q Do you know who Henry Riley's mother is? A She was Andrew's sister. Her name was -- I forget her name.
Q Is it Emma Bean? A Emma Bean, yes sir.
Q Who is the father of Henry Riley? A Mose Riley, I believe.
Q Did he ever go by the name of Moses McNair? A Yes sir.
Q Emma Bean is dead, is she? A Yes sir.
Q Is Moses McNair, or Moses Riley, living? A He was the last account I heard; I heard from him a week or two ago.
Q Was Moses Riley and Emma Bean married? A I don't know whether they were or not, I don't think they were.
Q Where was Emma Bean living at the time of her death? A Out on Panther Creek.
Q What Nation? A Cherokee Nation.
Q How long have you known Henry B. Riley? A Ever since he was a little baby.
Q Has he lived 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 reported 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 24th day of October, 1903.

Wm. D. Sawyer

Notary Public.

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

903

In the matter of the application for the enrollment of Andrew, Sandy, Lottie and Rector Bean, Henry B. Riley and Pearlle Martin as Cherokee Freedmen.

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

The record in this case shows that on May 16, 1901, Andrew Bean appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and his minor brothers and sister, Sandy, Lottie and Rector Bean, and his nephew, Henry B. Riley, as Cherokee Freedmen; that on June 13, 1901, said Lottie Bean appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of her child, Pearlle Martin, as a Cherokee Freedman. Further proceedings in the matter of the application of Andrew Bean, et al., were had at Vinita, Indian Territory, on September 23, 1903.

The evidence in this case shows that the applicants herein are descendants of one John, or Jack Bean, now deceased, who was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that said John Bean was taken out of the Cherokee Nation during the war; that he returned to said Nation about the time of the "Horse Creek fight, in which he was a participant; and the Commission has found in the case of Tobias Bean, et al., (Cherokee Freedman D-205), that said "Horse Creek fight" occurred in the Cherokee Nation in the fall of 1866.


The evidence further shows that all the applicants herein were born in the Cherokee Nation since 1866, and have resided in said nation since birth.

It is, therefore, the opinion of this Commission that Andrew Bean, Sandy Bean, Lottie Bean, Rector Bean, Henry B. Riley and Pearlle Martin should be enrolled, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.




Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR - 5 190



Commissioner.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. April 9th 1904.

Freedman D. 313.

~~xxxxxx~~ In the matter of the application for the enrollment of
Andrew Bean et al at Cherokee Freedmen.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the
decision of the Commission in this case and requests that same be forward-
ed to the Honorable Secretary of the Interior for Review.

The applicant in this case relies upon the testimony introduced in
the case of Tobias Bean Cherokee Freedman D 205, which case has been
briefed on part of the Cherokee Nation and to which brief reference is
respectfully made.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

IN RE
THE DEATH OF

Lottie Bean
a citizen of the
Freedman
Cherokee Nation.

JKG
Approved Mar 12 1907 190

(Signed) Tams Bixby
Commissioner.

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

F I L E D
Mar 12 1907
Tams Bixby

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

In the matter of the death of Lottie Bean "Cherokee Freedmen"
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
Chelsea, Ind. Ter., and died on the 8 day of
(Here insert name of postoffice.)
May, 1903.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Sandy Bean, on oath state that I am 24
Freedman years of age and a citizen, by adoption, of the Cherokee Nation;
that my postoffice address is Chelsea, Ind. Ter.; that I am
(Here insert name of postoffice.)

a Brother of Lottie Bean
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
Freedman who was a citizen, by adoption, of the Cherokee Nation
and that said Lottie Bean died on the 8 day of
(Here insert name of deceased.)

May, 1903

WITNESSES TO MARK:

(Signed) Sandy Bean

(Must Be Two Witnesses) { (Signed) C.W.Purdy
" Walter Morrison

Subscribed and sworn to before me this 11 day of March, 1907.

Seal

(Signed) John D. Miller

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Chas. W. Purdy, on oath state that I am 43
non years of age, and a citizen of the Cherokee Nation;
that my postoffice address is Chelsea, Ind. Ter.;
(Here insert name of postoffice.)

that I was personally acquainted with Lottie Bean "Cherokee Freedmen"
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Lottie Bean "Cherokee Freedmen" died on the 8 day of
(Here insert name of deceased.)

May, 1903

WITNESSES TO MARK:

(Signed) C. W. Purdy

(Must Be Two Witnesses) { (Signed) Walter Morrison
" John W. Bishop

Subscribed and sworn to before me this 11 day of March, 1907.

Seal

(Signed) John D. Miller

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

SEP 26 1907

J. S. Wright,

United States of America)
Judicial District)
Indian Territory.)

BE IT REMEMBERED, That on this 30 day of July, 1907, before me a Notary Public in and for the Territory and District aforesaid, personally appeared J. L. Williams to me well known as the person he represents himself to be, who being by me first duly sworn according to law, stated that he was acquainted with Lotie Bean, a Freedman citizen of the Cherokee Nation, Indian Territory, during her lifetime and was acquainted with her for the period of 14 years before she died.

That ack Bean was the father of said deceased, and Clara Bean was the mother. That Lotie Bean died on or about the 8th day of May, 1902.

J. L. Williams

Subscribed and sworn to before me this 30 day of July, 1907.

H. G. Brewer
Notary Public.

My commission expires Dec. 14 - 1907.

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

FILED

J. S. Wright,
Comptroller

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED
SEP 26 1907

J. S. Wright,

United States of America)
Judicial District)
Indian Territory.

BE IT REMEMBERED, That on this 30 day of July, 1907, before me a Notary Public in and for the Territory and District aforesaid, personally appeared W. H. Montgomery, to me well known as the person he represents himself to be, who being by me first duly sworn according to law, stated that he was acquainted with Lettie Bean, a Freedman citizen of the Cherokee Nation, Indian Territory, during her lifetime and was acquainted with her for the period of 10 years before she died.

That Pack Bean was the father of said deceased, and Gara Bean was the mother. That Lettie Bean died on or about the 30th day of May, 1907.

W. H. Montgomery

Subscribed and sworn to before me this 30 day of July, 1907.

N. C. Brewer
Notary Public.

My commission expires Oct. 14-1907

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

FILED

J. S. Wright,
Comptroller

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

SEP 26 1907

J. S. Wright,

United States of America)
Judicial District)
Indian Territory.)

BE IT REMEMBERED, That on this 30 day of July, 1907, before me a Notary Public in and for the Territory and District aforesaid, personally appeared Abbie Williams, to me well known as the person he represents himself to be, who being by me first duly sworn according to law, stated that she was acquainted with Lottie Bean, a Freedman citizen of the Cherokee Nation, Indian Territory, during her lifetime and was acquainted with her for the period of 10 years before she died.

That Jack Bean was the father of said deceased, and Clara Bean was the mother. That Lottie Bean died on or about the 8th day of May, 1902.

Abbie Williams

Subscribed and sworn to before me this 30 day of July, 1907.

A. C. Brewer
Notary Public.

My commission expires Oct. 14-1907.

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

1907

J. S. Wright
Comptroller

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

SEP 26 1907

J. S. Wright,

Comptroller

that on this 3rd day of August, 1907, before me a Notary Public in and for the Territory and District aforesaid, personally appeared Sallie Vann, to me well known as the person^s he represents ^{her} himself to be, who being by me first duly sworn according to law, states that he was acquainted with Lattie Bean, a freedman citizen of the Cherokee Nation, Indian Territory, during her lifetime and was acquainted with her for the period of 3 years before she died.

That Jack Bean was the father of said deceased, and Clara Bean was the mother. That Lattie Bean died on or about the 5th day of May, 1907.

Amelgammou Sallie + Vann
^{her} ^{mark}

subscribed and sworn to before me on this 3rd day of Aug, 1907.

Waverly Byrd
Notary Public

My commission expires June 17th 1909

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

FILED

J. S. Wright

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

SEP 26 1907

J. S. Wright,

Comptroller

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office, at the City of Oklahoma, this 17th day of June, 1909.

It is hereby certified, that on this 3rd day of August, 1907, before me a Notary Public for the Territory and District aforesaid, personally appeared Rufus Vance, to be well known as the person before me as being, who being by me duly sworn according to law, states that he released and freed said Lattie Bean, a Freedman's child of the Cherokee Nation, Indian Territory, during her lifetime and was associated with her for the period of 10 years before she died.

That Jack Bean was the father of said due and Clara Bean was the mother. That Lattie Bean died on about the 8th day of May, 1902.

Myself, the undersigned, did on this 3rd day of August, 1907.

Rufus Vance
Saisy Byrd
Notary Public.

June 17th 1909

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

J. S. Wright
Comptroller

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

FILED

SEP 26 1907

J. S. Wright,

United States of America)
Northern Judicial District) SS
Indian Territory.)
)

BE IT REMEMBERED That on this 7 day of September, 1907,
before me, a Notary Public within and for the Territory and
District aforesaid, personally appeared J. Wade Dowie
to me well known to be the person he represents himself to be,
who being by me first duly sworn, says that he is a regular
practicing physician residing at Chelsea, Indian Territory, and
has been engaged in the practice of medicine for the period of
16 years. That in his capacity as physician he was called
upon to attend Lottie Bean, a freedman citizen of the Cherokee
Nation, Indian Territory during her last illness; that said Lottie
Bean died of consumption. That his record of professional visits
discloses, and he now states the fact to be, that his last
attendance to said Lottie Bean was on the 30 day of April,
1902, that upon said last visit it was apparent that said Lottie
Bean had but a few days more to live, and that being convinced
that his services would be of no further avail to said Lottie
bean, he made no further attempt to render her medical assistance.
That said Lottie Bean died about a week from said last visit as afore
said.

J. Wade Dowie Notary Public
Subscribed and sworn to before me the 7 day of Sept 1907.
N. C. Brewer

My commission expires Oct. 11, 1907.....

Affidavit

Chelsea I.T. Sept 28th 1907

Wesley Vann, being by me first duly sworn on ~~the~~ oath states that he is 43 years of age and a resident of the Northern District of the Indian Territory, and have resided near Chelsea for the past 10 years and has for the past 5 years lived near the old place of Andrew Bean, and that in the year of 1903 he lived on Fred Martin place 6 miles North West of Chelsea I.T. and that he farmed the place, that year for Fred Martin, this place was about one half mile from Andrew Bean place, Andrew ^{Bⁿ} lived just North of Fred Martin, that while there Lottie Bean, a Sister of Andrew ^{Bⁿ}, lived with ~~the~~ Andrew Bean, that she taken sick some time in the winter of 1902, and was sick for some time and in the spring of 1903, while ~~he~~ ~~the~~ Wesley Vann was in his crop he was called on to go and dig the grave for Lottie Bean, which he done, and this was sometime in the ~~the~~ Spring of the year posably the middle or last of May,

Affiant further states that he is not in any way related to Lottie Bean, nor has any interest in the decision of the suit in which this affidavit is to be used, that the affidavit is made from his own knowledge and not from the information of any one. further affiant sayeth not.

M. M. Smith

Wesley Vann

Subscribed and sworn to before me this the 28th day of September 1907

David G. Ellis
Notary public.

My commission expires June 4th 1911

AFFIDAVIT.

Chelsea I.T. Sept 28th 1907

Rufus Vann and Sallie Vann being by me first duly sworn on their oath state that they are residents of the Northern District of the Indian Territory and Citizen of the Cherokee Nation, they state that they live 5 miles North west of Chelsea I.T. that they have lived there in that locality for the past 7 years, that they was well acquainted with Lottie Bean deceased, during her life, and know where she lived before her death, They further state that they came from Fort Gibson I.T. to the Charley William place and they lived with Andrew Bean, for some time, and while living with the said Andrew Bean Lottie Bean his sister was, living there, and while there there was born to us a Son who we named ~~##~~ Alford, and Lottie Bean was up and well and named the child her self, this was in the ~~#####~~ month of March 1902 and they think it was on the 13th day, that they lived with them until in the summer of 1903, and while there Lottie Bean taken sick and was sick for some time and sometime in the later part of April or the first of May 1903 she died, we was in the house with her at the time of her death,

The affiants make this statement from their own recollection and not from the information of others, and why they know these to be facts is that Alford was over one year old at the time Lottie died, and they make this statement without reward, or fear of any ~~any~~ one, and they further desire to state that about 2 months ago they signed an affidavit to one Mr. Hunt of Chelsea, but they did not know what was in the affidavit as it was not read to them at the time nor did they ask any explanations as to its contents, but we have since been told that our affidavit stated that Lottie Bean died in 1902, and if so this was not true, and we would not of ~~##~~ signed the statement if we had of known what it contained,

Affiants further state that they are not in any way ~~related~~ related to Lottie Bean, deceased nor are we interested neither directly or indirectly in the decision of this case, further affiants sayeth not.

Witness

J. L. Starnes
D. J. Dunn

Rufus Vann
Sallie Vann

Subscribed and sworn to before me this the 28th day of September 1907

My commission expires June 4th 1911

David G. Elliott

Notary Public.

Chelsea Sept 26 - 1907
 Miss Lottie Bean
 Decant

Chelsea I.T. Oct 3rd 1907

To Dr J Wade Bone Dr.
 TERMS 1899

y sworn on his oath states that he is a
 and has resided there for the past 8 years
 an, and has been for the past eight years
 at is acquainted with the Bean family,
 y physician since 1899, that he first
 d on Sept 5th 1899, and was her physician
 being the 30th day of April 1903, that at
 was liveing with her Brother Andrew Bean,
 sea .
 s that the said Lottie Bean was sick for
 he the affiant become personally acquainted
 sickness this affiant stated to Lottie,
 d as a physician, and was useless for him to
 xpense, that he did not attend the said Lotie
 1903, that she Lottie Bean died soon after
 ext month, near the middle of May 1903,
 the itemised account as hereto attached is a
 bill against the estate of Lottie Bean, de-
 , in his office, that the same is true and
 rom his office record and not from the

Sept 5 90	Quarter 14	1.50
Oct 1 90	14	.50
" 10 90	14 Quarter	1.00
Nov 20 90	14	.50
" 24 90	14	.50
Dec 16 90	14	.50
" 24 90	14	.50
1900		
Jan 12 90	14	.50
" 14 90	"	.50
" 16 90	"	.50
" 18 90	"	.50
" 20 90	"	.50
" 22 90	"	.50
" 26 90	"	.50
" 30 90	14	1.50
Feb 10 90	14	.50
" 16 90	14	.50
Mar 10 90	14	.50
" 30 90	14	.50
Apr 2 90	14	.50
" 17 90	14	.50
May 10 90	14	.50
May 12 90	14	.50
May 9 90	14	.50
May 14 90	14	.50
1901		
Jan 16 90	14	3.50
" 27 90	14	.50

Futher affiant states that he has made an affidavit hertofore
 for Mr. Hunt of Chelsea I.T, that said affidavit was made without consulting
 the books or records of his office, and made from memory, that the same is
 not true and correct and that this affiant has hereto fore requested and
 demanded that the former affidavit be returned and not to be used in this
 case, That this affidavit is correct and should be taken in stead of the
 former affidavit, That he is not interested in the decision of this case nor
 is he in any way interested in the same, nor related to any of the parties
 interested in said suit, futher affiant sayeth not.

J. Wade Bone M.D.
 David G. Ellard
 Notary public.

Subscribed and sworn to before me this the 3rd day of October 1907

My commission expires June 4th 1911

To _____

Chelsea I.T. Oct 3rd 1907

To _____ @v.

TERMS

Jan 28 70 NY	50
Feb 1 70 NY	50
" 4 70 NY	50
" 6 70 Medicine	1.00
Feb 7 70 NY	50
" 14 70 medicine & NY	1.00
Apr 14 70 medicine	1.00
" 14 70 medicine	1.00
Aug 10 70 medicine	1.00
Oct 2 70 NY	50
" 17 70 NY	50
Oct 4 70 medicine	1.50
Nov 11 70 medicine	1.50
Dec 18 70 medicine	1.50
1902	
Jan 12 70 NY	3 50
" 14 70 NY	50
July 6 70 NY	3 50
" 12 70 NY	50
July 7 70 NY	3 50
Sept 10 70 NY	3 50
Nov 10 70 NY	3 50
1902	
Feb 14 70 NY Expense	1.00
Feb 6 70 NY	3 50
" 8 70 NY (Alaska)	50
Apr 14 70 NY	3 50
" 30 70 NY	3 50

y sworn on his oath states that he is a
 and has resided there for the past 8 years
 an, and has been for the past eight years
 at is acquainted with the Bean family,
 y physician since ~~the~~ 1899, that he first
 d on Septe 5th 1899, and was her physician
 being the 30th day of April 1903, that at
 was liveing with her Brother Andrew Bean,
 sea .
 s that the said Lottie Bean was sick for
 he the affiant become personally acquainted
 sickness this affiant stated to Lottie,
 d as a physician, and was useless for him to
 xpense, that he did not atend the said Lotie
 1903, that she Lottie Bean died soon after
 ext month, near the middle of May 1903,
 the itemised account as hereto attached is a
 bill against the estate of Lottie Bean, de-
 , in his office, that the same is ~~the~~ true and
 rom his office record and not from the

Futher affiant states that he has made an affidavit hertofore
 for Mr. Hunt of Chelsea I.T, that said affidavit was made without consulting
 the books or records of his office, and made from memory, that the same is
 not true and correct and that this affiant has hereto fore requested and
 demanded that the former affidavit be returned and not to be used in this
 case, That this affidavit is correct and should be taken in steadof the
 former affidavit, That he is not interested in the decision of this case nor
 is he in any way interested in the same, nor related to any of the parties
 interested in said suit, futher affiant sayeth not.

Subscribed and sworn to before me this the 3rd day of October 1907

My commission expires June 4th 1911

J. Mack. Bone. M.D.

David G. E. O'Connell

 Notary public.

AFFIDAVIT

Chelsea I.T. Oct 3rd 1907

J.W.Bone being by me first duly sworn on his oath states that he is a resident of the Town of Chelsea and has resided there for the past 8 years that he is a practicing physician, and has been for the past eight years

Affiant futher states that is acquainted with the Bean family, and that he has been the family physician since ~~###~~ 1899, that he first attended on Lottie Bean ,deceased on Septe 5th 1899, and was her physician from that date up to and including the 30th day of April 1903, that at the time he atended on her she was liveing with her Brother Andrew Bean, about 5 miles North West of Chelsea .

Affiant futher states that the said Lottie Bean was sick for some time before her death, and he the affiant become personally acquainted with her, and during her last sickness this affiant stated to Lottie, that he could not do her any good as a physician, and was useless for him to come longer and make a bill of expense, that he did not atend the said Lotie Bean after the 30th day of April 1903, that she Lottie Bean died soon after that date , was some time the next month, near the middle of May 1903,

Affiant futher states that the itemised account as hereto attached is a true and corect statement of his bill against the estate of Lottie Bean, deceased, as is shown byhis books, in his office, that the same is ~~##~~ true and corect, this affidavit is made from his office record and not from the information of others,

Futher affiant states that he has made an affidavit hertofore for Mr. Hunt of Chelsea I.T, that said affidavit was made without consulting the books or records of his office, and made from memory, that the same is not true and correct and that this affiant has hereto fore requested and demanded that the former affidavit be returned and not to be used in this case, That this affidavit is correct and should be taken in steadof the former affidavit, That he is not interested in the decision of this case nor is he in any way interested in the same, nor related to any of the parties interested in said suit, futher affiant sayeth not.

Subscribed and sworn to before me this the 3rd day of October 1907

My commission expires June 4th 1911

J. Mack Bone M.D.
David S. E. G. d. d.
 Notary public.

UNITED STATES OF AMERICA

INDIAN TERRITORY

NORTHERN DISTRICT.

Be it remembered, That on this 14, day of October 1907, before me a Notary Public in and for the Territory and District aforesaid, personally appeared L.S. Tinnon, to me personally well known to be the person to represent himself to be, who being first duly sworn according to law, stated that he was acquainted with Lattie Bean, a Freedman citizen of the Cherokee Nation, Indian Territory, Muskogean lineage, who was acquainted with her for the period of fifteen years before she died.

That Jack Bean was the father of said deceased and Clara Bean was the mother. That Lattie Bean died on or about the 24, day of May 1903.

L S Tinnon

Subscribed and sworn to before me this 14, day of October 1907.

John T. Brown
Notary Public.

My commission expires March 17, 1911.

UNITED STATES OF AMERICA

INDIAN TERRITORY

NORTHERN DISTRICT.

Be it remembered, That on this 14th, day of October 1907, before me a Notary Public in and for the said Territory and District aforesaid, personally appeared John Martin, to me well known as the person he represents himself to be, who being sworn according to law, states that, he was acquainted with Lottie Bean, a Freedman citizen of the Cherokee Nation, Indian Territory, and was acquainted with her for the period of fifteen months before her death, and was present at my mother's house, Sarah Martin, when she was sent for to dress the corpse of the said Lottie Bean, which was on or about the 8th, day of May 1907.

That Jack Bean was the father of said deceased, and Clara Bean was the mother.

John Martin

Subscribed and sworn to before me on this the 14, day of October 1907.

John T. Brower
Notary Public.

My commission expires March 13, 1911.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

BE IT REMEMBERED, That on the 17th day of October, 1907, personally appeared before me a Notary Public, in and for the District of Indian Territory, J.J.G. [Name], who being duly sworn, deposed that she was the widow of [Name], and that she was the mother of [Name], who was born [Name] for several years before her death. That the [Name] Little Bean died on or about the 8th, day of May 1903.

J. J. Gaskin

Subscribed and sworn to before me on this the 17, day of October 1907.

John T. Brown
Notary Public.

My Comm. Expires March 13, 1911.

UNITED STATES OF AMERICA

INDIAN TERRITORY

NORTHERN DISTRICT.

BE IT REMEMBERED, That on the 17th day of October 1907, personally appeared N.G.Scudder, of Chelsea, I.T. a citizen of the Cherokee Nation, now comes before me a Notary Public, and being duly sworn according to law, states that he knew Lettie Bean during her lifetime and knew her four or five years before her death.

That he knows that the said Lettie Bean died on or about the 31st day of May 1903.

That the said Lettie Bean died at the home of Andrew Bean, and was buried in the cemetery adjoining the C.J.Hill farm.

N. G. Scudder

Subscribed and sworn to before me on the 17th day of October 1907

John Brown
Notary Public.

My Commission expires March 10, 1911.

UNITED STATES OF AMERICA

INDIAN TERRITORY

NORTHERN DISTRICT.

BE IT REMEMBERED, that on the 17, day of October 1907, personally appeared, before me a Notary Public, in and for said Territory and District aforesaid, C.J. Hill, who being known to me to be the person whose name is subscribed to the foregoing petition, and who is a resident of the Indian Territory and who is a citizen of the United States, and was acquainted with Lottie Bean, who died on the 14, day of April 1903, and who was married to Andrew Bean, and who was living at the time of her sickness and death. That on the 14, day of April 1903, he visited where Lottie Bean was sick, with the attending physician J. Wade Bone, on or about the 14, day of April 1903. That he was in the livery business in the town of Chelsea, at the time and his driver to drive the Doctor to the Andrew Bean home where Lottie Bean was living at the time of her sickness and death. That on or about the 9th, day of May 1903 he visited his farm adjacent to the cemetery where the said Lottie Bean was buried, and on or about the 14, day of May 1903 he was burying the said Lottie Bean.

C. J. Hill

Subscribed and sworn to before me on this the 17, day of October 1907.

John T. Brown

Notary Public.

My commission expires M. 17, 1911.

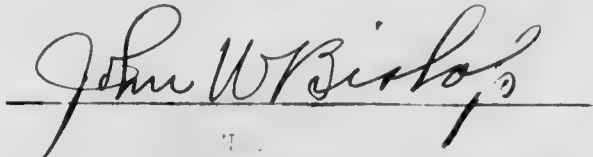
UNITED STATES OF AMERICA

INDIAN TERRITORY

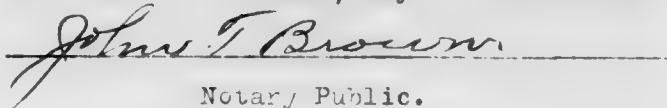
NORTHERN DISTRICT.

BE IT REMEMBERED, That on the 14, day of October 1907, before me a Notary Public in and for the Territory of Oklahoma, in the Northern District, personally appeared J.W. Bishop, to me well known, who represents himself to be, and he being a sworn member of the law, states that he has acquainted with Lottie Bean, a Freed woman of the Cherokee Nation, from her lifetime and was acquainted with her for five years before she died. That he had business dealings with her in the Autumn of 1902, and knows that she died on or about the 8th, day of May 1903.

That Jack Bean was the father of the deceased, and Clara Bean was the mother.



Subscribed and sworn to before me on this the 14, day of October 1907.



Notary Public.

My Commission expires March 13, 1911.

Affidavit Chelsea I.T. Oct 3rd 1907

N.M. Smith, Being by me first duly sworn on his oath states that he is a resident of the Northern district of the Indian Territory, and resides in Chelsea I.T. and has lived in Chelsea for the past 12 years,

Affiant father states that he has been in business in Chelsea for the past 12 years, and ~~####~~ while in business he become acquainted with a great many people and had dealing with most all the colored people in the community of Chelsea, and he was acquainted with all the Bean family and among them was Lottie Bean, who was a single woman, and lived on the old Bena Farm 5 Miles North West of Chelsea, that he knew when she was sick for hre Brother Andrew Bean, often when in town Borrowed money from ~~####~~ him to get medicen to take home to her,

Father in the year of 1902 this affiant was in the Hard-ware and furnature buisness, and carried coffens, and was in buisness urtill 1904 and in the spring of 1903, posably the first or middle of May 1903 Andrew Bean, in company with Wesley Vann, came to his place of buisness and purchased a coffen for the said Lottie Bean, and gotten the same on time and was to pay for the same as soon as Andrew could sell some stock t that Lottie had there, later in the year of 1903 Andrew came in and paid for the coffen,

Affiant futher states that he makes this statement from his own knowledge and not from the knowledge of others, that he is not intrested neither directly nor indirectly in the desision of this case nor is he related in any way to any of the parties interested in this suit.

N. M. Smith

Subscribed and sworn to before me this the 3rd day of October 1907

My commission expires June 4th 1911

David G. Elliott

Notary Public.

AFFIDAVIT

Chelsea I.T. Sept 29th 1907

S.C. Martin, being by me first duly sworn on oath states that she is 60 years of age, and a resident of the Northern district of the Indian Territory, that her postoffice address is Chelsea.

Affiant father states that she was acquainted with Lottie Bean deceased during her life time, that she attended her in her last sickness, that she only lived about one mile from where Lottie died, that she was, to see her most every day during her last sickness, that it was in the spring of the year when she died, that at the time of her death she was living with Andrew Bean, she further states that she was a witness for Lottie Ben when she was placed on the Freedman role at Chelsea I.T. and that the said Lottie Ben died in the spring of 1903, and she bases her recollection on the fact that in the winter after Lottie died Andrew Bean moved with his family from where they lived at that time to where they now live and they moved from this neighborhood 3 years last winter about the first of January 1904.

Affiant father states that she makes this statement from her own recollection and not from the information of others, and she further states that she is not interested in the decision of the suit in which this affidavit is used, and not related to the said Lottie Bean in any way

Affiant Father states that at the time of the death of the said Lottie Bean she washed and dressed her and knows personally when she died, and that it was positively not before the spring of 1903.

Mrs. S. C. Martin

Subscribed and sworn to before me this the 29th day of September 1907

David L. Elliott

My commission expires June 4th 1908

UNITED STATES OF AMERICA

INDIAN TERRITORY

NORTHERN DISTRICT.

BE IT REMEMBERED, That on this the 14, day of October 1907,
before me a Notary Public in and for the Territory and District aforesaid
personally appeared Leonard E. Trainor, a citizen of the Cherokee Nation,
to me well known ~~to~~ to be the person he represents himself to be,
who being duly sworn according to law, states that he was
acquainted with Lottie Bear during her lifetime, and knew her father
Frank Bear of the Cherokee Nation. That he knew her for ten years before
her death.

That Jack Bear was the father of said deceased, and Clara Bear was
the mother of her. That Lottie Bear died on or about the 8th, day of
May 1902. That during the month of April 1903 he accompanied to
with the attending physician, J.W. Brown, and died soon thereafter.

Leonard E. Trainor

Subscribed and sworn to before me this 14, day of October 1907.

John T. Brown
Notary Public.

My commission expires March 13 1911.

Affidavit

Chelsea October 16th 1907

United States of America

Indian Territory, Northern District.

C.W. Purday being by me first duly sworn on his oath states that he is a resident of the Northern district and his postoffice is Chelsea, he has lived near Chelsea for the past 10 years, He further states that he is acquainted with the Rena Family, and knows where they lived in the past 6 years, he further states that he was acquainted with One Lottie Bean deceased and knows of his own personal knowledge where she was living at the time of her death, she was living with her Brother Andrew Bean, and that the said Lottie Bean died on the 8th day of May 1903, that in the fall of 1902 the said Lottie Bean sold this affiant some calves and he went to her place and bought the calves and drove them from her place, that this affiant has no interest in this case nor in the citizenship case of the said Lottie Bean, that the said statement is made from his own knowledge and not from the information of others,

Said facts set forth in the above affidavit is made with the best knowledge information and belief of the affiant,

C. W. Purday

Subscribed and sworn to before me this the 16th day of October 1907

David S. Elliott
Notary public.

My commission expires June 4th 1911

Affidavit Chelsea I.T. Oct 3rd 1907

J.D. Miller being by me first duly sworn on his oath states that he is a resident of the the Town of Chelsea and has been for the past 5 years that he has been in the land buisness in chelsea for the past 5 years that he came from MO in the spring of 1902, and has lived here from that time to the present, that he was acquainted with Lottie and Andrew Bean, dureing their life time,

Affiant futher states that in the winter of 1902, and 1903, Andred Bean came to his office in Chelsea, with Lottie Bean his Sister and wanted the affiant to make some plots for land, and he the affiant made the plots, for them and Lottie Bean was then desireing to go to the land office which was soon to open at Vinita, I.T. and file on her, land He states that this was either in the latter part of 1902 or the first of 1903, but he is positive that the said Lottie Bean was liveing and in his office about the time the land office opened at Vinita in 1903,

Affiant futher states that he is not interested in the desision of the case in which this affidavit is to be used, nor is he related to any of the parties interested in the said case, that the statements he has made is made from his own information and not from the statements of others.

J. D. Miller
Subscribed and sworn to before me this the 3rd day of Oct 1907.

David S. Elliott

Notary public.

My commission expires June 4th 1911

Affidavit Chelsea I.T. Oct 3rd 1907

Fred Martin being by me first duly sworn on his oath state that he is 33 years of age, and a resident of the northern district of the Indian Territory and reside in Chelsea I.T. and he further states that he was acquainted with Lottie Bean deceased, during her life-time, and knows well where she lived he states that he Fred Martin lived near her at the time of her death he lived just 1/2 mile south of where she died and he knows that she died in the spring of 1903, that it was in the month of May possibly the first part and not latter than the middle, of May 1903.

Affiant further states that why he is sure that it was in the spring of 1903 that his wife died on the 3rd day of Oct 1902, and that at the time of her death Lottie was living near him and she Lottie died in the spring following, and further that he Fred Martin and Wesley Vann, who was farming his place in the year of 1903, went and dug the grave for the said Lottie Bean that he was in the field with Wesley Vann when the word came that Lottie was dead and wanted them to go and dig the grave, and he in company with Wesley Vann went to the grave-yard in the afternoon and dug the grave.

Affiant further states that he is not related to the said Lottie Bean, nor interested in the decision of this suit, that the statements hereto fore made is made from his own recollection and not from statements of others, being made him.

Fred Martin

Subscribed and sworn to before me this the 3rd day of October 1907

David G. Elliott

My commission expires June 4th 1911

Notary public.

Affidavit

Chelsea I.T.

Dick Chambers being by me first duly sworn on his oath states that he is a resident of the Cherokee Nation, and is a Citizen of the Cherokee Nation and have lived in and around the neighborhood of Chelsea for the past 12 years, and states that he is well acquainted with the Bean family, and have known them for more than 10 years, and knows where they lived during all that time, and he further states, that he was well acquainted with One Lottie Bean deceased, and knew her well during her life time, and knew where she was living at the time of her death, that she was living with her brother Andrew Bean. That he ^{was} at the house of Andrew Bean several times during her sickness, and is now living in the neighborhood of the family of Andrew Bean, and he knows of his own personal knowledge that the said Lottie Bean died in the early part of spring 1903, ~~both~~ was in the latter part of April 1903 or the first of May 1903, that he was at her house some time that spring and had quite a talk with her Lottie Bean, in regard to the death of affiant's father, and why he is so sure that it was in April, 1903, was he went there to see Lottie Bean, as to when his Father Charles Chambers died, and to get her Lottie Bean for a witness in ~~##~~ this case, she was very sick at the time and it was not long after that ~~##~~ time until ~~he~~ heard Lottie was dead, and ~~##~~ His Mother Sidney West and Sarah Clines, went to see Lottie just a few days before her death, ~~##~~ Sidney West ~~##~~ left this part of the country in the first of May 1903 and wanted to see Lottie Bean, before she left, The statements above made is from the information of the affiant and not from the information of others he further states that he has no interest in this case nor is he related in any way to any of the parties interested in the case.

Dick Chambers

Subscribed and sworn to before me this 9th day of October 1907

David L. Ellett
Notary Public

My commission expires June 4th 1911

Affidavit Chelsea I.T. Oct 11th 1907

Riley Curles, being by me first duly sworn on oath states that he is a Citizen of the Cherokee Nation, and his domicile is Chelsea I.T. and states under oath that he has resided near Chelsea for the past 20 years, that he is acquainted with the Bean Family and has known them for the past 20 years and he was acquainted with Lottie Bean during her life time, and knows of his personal knowledge where she ~~was~~ was living at the time of her death, Lottie Bean was living with her brother Andrew Bean just 1/2 mile South of where he Riley Curles is now living and was living in the spring of 1903, Affiant further states that Lottie Bean died, on the 8th day of May 1903, that he was at her house the day she died and attended her funeral at the time of her death, He makes this statement from his own knowledge and not from the knowledge of others, he further states that why he is sure it was in May 1903 is from records which he has kept, and further why it was in the spring of 1903 is that in the Fall of 1902, Fred Martin wife died, and Lottie died in the spring following, as Lottie was at the home of Fred Martin at the time his wife died,

Affiant further states that he is not interested in the decision of the case in which this affidavit is to be used, nor is he in any way interested in the land in which this ~~is~~ suit is over,

Further affiant sayeth not,

Riley Curles

Subscribed and sworn to before me this the 11th day of October 1907

My commission expires June 4th 1911

David G. Elliott

Notary public

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTH RN DISTRICT.

SS.

First being duly sworn upon oath, Arthur Bean
deposes and says: That he is of lawful age; that he is the uncle of
Lottie Bean, deceased; that he knows when Lottie Bean died; and that
Lottie Bean died ~~on the~~ day of

during the summer of 1903;

Witness

J. V. Roberts

Witness

E. P. Fogle

Witness

Arthur Bean

subscribed and sworn to before me this ~~6~~⁷ day of November, 1907.

Book W. Harn

Notary Public.

My commission expires *May 8th - 1911*

State of Oklahoma |
County of Craig | SS.

First being duly sworn upon oath; Andrew Riley says that he is 61 years of age; that he was acquainted with the family of Jack Bean, who was the father of Lottie Bean, now deceased; that he knows that Lottie Bean died on or about the 8th day of May, 1903;

Applicant further states that he conducted the funeral services ^{of Lottie Bean} at the home of Jack Bean.

Applicant states that Pearl Martin is the daughter of Lottie Bean, deceased.

Andrew Riley

Subscribed and sworn to before me this 2 day of December, 1907.

James H. Brown

Notary Public.

My commission expires

April 26, 1910.

STATE OF OKLAHOMA, |
 | SS.
COUNTY OF CRAIG. |

First being duly sworn, upon oath, Columbus McVair deposes and says: That he is fifty-eight years of age; that his present residence is Vinita, Oklahoma; that he is well acquainted with the family of Jack Bean, who was the father of Lottie Bean, deceased; that for several years he was a neighbor of Lottie Bean; that in the autumn of 1902, affiant talked with Lottie Bean, who was then alive; that Lottie Bean died in the spring of 1903, as affiant well knows; that affiant is unable to state the month in 1903 in which Lottie Bean, deceased, died, but as he recalls now, she died during the month of May, 1903; and further affiant saith not.

Attest: *W. E. Clark*
Hayford M. Bibout

Columbus McVair
mark

Subscribed and sworn to before me this the 21st day of November, 1907.

Addis A. J. Stone
Notary Public.

My commission expires April 26th, 1910.

Chelsea, I. T. Jan. 28, 1907.

TO THE U. S. COURT, NORTHERN DISTRICT, I. T.,

SITTING AT VINITA, I. T.

This is to certify that I am the brother, the nearest of kin, and only heir to the estate of Lottie Bean, who died on or about May 8, 1903; and as it is necessary for an administrator to be appointed for the estate of my said deceased sister; and I hereby waive my right to act as administrator of said estate in favor of S. M. Dodson, of Chelsea, I. T., and I do hereby request his appointment by the Court.

Witness my hand Jany 28, 1907,

Sandy Bean

Subscribed and sworn to before me this 28th day of Jany. 1907,

John T. Ezzard,

Notary Public.

My commission expires Nov. 1, 1908.

CERTIFICATE.

STATE OF OKLAHOMA, CRAIG COUNTY, SS.

I, Theo. D. B. Frear, County Judge of said County, do hereby certify that the foregoing is a true copy of the original on file in my office.

Witness my hand and official seal affixed at my office in Vinita, Craig County, State of Oklahoma, this 7 day of Dec 1907.

Theo D B Frear
County Judge.

APPLICATION FOR ADMINISTRATION.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | SS.
NORTHERN DISTRICT.

S. M. Dodson, Chelsea, I. T., says that to the best of his knowledge and belief the value of the estate of Lottie Bean, who died in said District of the Indian Territory, of which she was a resident, on or about the 8th day of May, 1903, is Three Hundred Twenty Five Dollars; that the heirs of said Lottie Bean, deceased, are:

Sandy Bean, residing near Chelsea, I. T.;

that said Lottie Bean died without a will; that he will make a perfect inventory of and faithfully administer all and singular the goods and chattels, rights and credits, of the said deceased, and pay his debts, so far as the assets which may come to his hands will extend and the law directs, and that he will account for and pay over, according to law, all assets which shall come to his hands or possession.

S. M. Dodson.

Subscribed and sworn to before me this 28 th day of January, A. D., 1907.

John T. Ezzard,
Notary Public.

My commission expires Nov. 1, 1908.

By -----, Deputy.

*I hereby certify that the above is a true copy of application for administration filed in this office -
Witness my hand and seal this 7th day of Dec. 1907.*

Philo D. B. Fran
County Judge

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Chelsea, Oklahoma, January 10, 1908.

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Cherokee Freedman
Case No. 1424.

In the matter of the application for the
enrollment of Lottie Bean as a Cherokee Freedman.

The records of this office show that on December 23, 1907, the case involving the right of Lottie Bean to an allotment of land in the Cherokee Nation was set for hearing at this place, Chelsea, Oklahoma, on this date, January 10th, 1908, at nine o'clock A. M., of which all parties in interest were advised.

This case coming on for hearing, the following appearances were entered:

The Commissioner to the Five Civilized Tribes represented by John O. Rossen.

For the Cherokee Nation, J. A. Veasey representing W. W. Hastings, national attorney.

For applicant, Messrs. Riddle & Brown, attorneys.

S. M. Dodson, administrator.

John W. Blue, curator for Pearlle Martin, minor heir.

and proceedings had as follows:

TESTIMONY FOR THE CHEROKEE NATION.

W. H. Montgomery being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your full name, age, and residence? A W. H. Montgomery, age fifty-three, post office Chelsea.
- Q Were you acquainted with Lottie Bean during her lifetime?
- A Yes sir.
- Q How long did you know her prior to her death? A Oh I can't say; eight or ten years anyway. I don't know exactly.

- Q Do you know on what farm or at what place in the Cherokee Nation Lottie Bean died? A Yes sir.
- Q On whose farm? A It was Jack Bean's farm was her father, but we called it the Andrew Bean place.
- Q Who was managing that farm at the time of her death?
A Andrew Bean.
- Q Was Lottie Bean living with him on that farm at that time?
A Yes sir.
- Q Did you live near the so-called Andrew Bean farm at the time Lottie Bean died? A Yes sir.
- Q How near the Andrew Bean farm? A We joined together, but it is right at a quarter from the two houses. Close enough that lots of times we called each other from one house to the other. I have done it many a time.
- Q Do you have personal knowledge of the time that Lottie Bean died?
A Yes sir.
- Q When did she die? A She died May the 8th, 1902.
- Q How do you know that she died on the 8th day of May, 1902, and how especially do you know that it was in the year 1902 that she died? A Why she died to my own knowledge, she died as I say, she died May the 8th, and I was living there. I know what I was doing and I know how many crops I made since then and where I made them at, and that's how I know when it was.
- Q You lived on this place adjoining the Andrew Bean farm when she died? A Yes sir.
- Q When did you move from the place adjoining the Andrew Bean farm?
A I moved from there in February.
- Q Of what year? A 1903.
- Q Where did you move to? A I moved three miles north of Old Hayden.
- Q How far was that from the Bean place? A About ten miles.
- Q Have you any paper or any instrument of any kind to indicate that your post office address was Hayden in 1903? A Yes sir.
- Q Let me see that? (Witness exhibits a note bearing date of February 23, 1903, for \$12.50, payable to the Bradley, Alderson & Company, indicating post office of the maker of the note as Hayden, Indian Territory.)

By Mr. Riddle:

The witness exhibits that. We object to the statements of the account--as to the exhibit which he calls a note--and ask that all reference thereto be stricken from the record for the reasons: First, that the same is not evidence of any kind or character and is hearsay; Second, that the instrument itself is not sought to be introduced in evidence.

By Mr. Rosson:

The objection will be noted.

By Mr. Veasey:

- Q How long before the date of this instrument was it that you moved from the farm adjoining the Andrew Bean farm to the neighborhood of Hayden? A The date of this note is almost right at the very time that I moved. No I didn't take it with me when

- I moved, but I came right back and got it. It seems to me that to the best of my recollection I came the next day. I would hate to say that I came the next day, but it was right then to the best of my recollection, right away next day.
- Q I understand that you moved away at about the time that that note was dated? A Right at about that time. I moved up and came back. I think, to the best of my recollection, the next day and got it.
- Q Got the what? A The harrow.
- Q This note was for a harrow? A Yes sir.
- Q Was Lottie Bean living or dead when you moved from the place adjoining the Bean farm to the neighborhood of Hayden?
- A She was dead then. She died in May before that. She died in 1902, and I moved away in 1903. I made a crop after she died, at the house I lived in when she died.
- Q Did you make a crop on the farm to which you moved near Hayden in the year 1903? A 1903, yes sir.
- Q Were you living on this farm in the neighborhood of Hayden in 1903? A Yes sir.
- Q Were you present at the Andrew Bean farm and in the house in which Lottie Bean died at or about the time that she died?
- A I was there the next day. She died in the night and I were there at the house the next day. The night she died I didn't go up to sit up at all. Two of my family went, but I didn't go at all. She wasn't dead when they came home, and they came home a little after midnight, but she died before day.
- Q When was she buried, if you knew with reference to the time of her death, the day after or two days after she died? A Well sir, I actually don't remember at the time she died whether they buried her the same day or the next day. I believe though we kept her one night; I wouldn't say for a fact.
- Q Did you attend her funeral? A Yes sir, I was there.
- Q Did you have anything to do with burying her; take any part in the ceremonies or assist in digging the grave? A I went to help dig the grave.
- Q Who assisted you in digging the grave, if you remember? A Well sir, really I couldn't say, only the neighborhood folks. I think my son-in-law.
- Q Who is he? A J. D. Williams. I really couldn't say just who did help dig the grave, but I believe J. D. Williams and I think Julius Curls. They're two that's always out about.

By Mr. Riddle:

- Q Where do you live now Mr. Montgomery? A I live on Panther Creek, seven and a half miles northwest of here.
- Q Are you any relation to Lottie Bean, deceased? A No sir.
- Q Did she ever make her home with you? A Well, I will have to explain that. I will tell you how that was. She lived with me and I with her. My house burned down about the 12th of October--
- Q What year? A 1901. And I moved up there; she was just there alone, her parents were dead; and Andrew told me to go up there and live with the children; there were three boys and this one girl; and so he sent the boys off to school and I taken my family, about six children of them, and moved into that house and lived there and provided for the family during that winter,

and on the 16th day of March, my birthday, we got my house built again and moved back down to that house on the 16th of March, my birthday, and I left provisions for this girl to live on until her brother came home, and if they gave out I would provide for her.

- Q What relation is Andrew Bean to Lottie Bean? A Her brother.
- Q Where does Andrew Bean live? A Andrew's dead. His wife lives in the house they moved into when they moved out of the one Mr. Most wanted possession.
- Q Is Andrew Bean's wife here? A Not that I know of. She's still up at the place there.
- Q Did Lottie Bean leave any children? A She left one.
- Q Boy or girl? A It's a girl.
- Q What is her name? A We call her Pearl Martin--Fred Martin's child--and I think she's enrolled as Pearl Martin. That's my recollection.
- Q How old is she? A Pearl is, I think, nine years old, to the best of my recollection, about the 13th day----she was born on the 2nd Saturday---a little after four o'clock in the morning the 2nd Sunday in December. She's nine years old anyway about the 13th the best I can say.
- Q 13th of December did you say; what year? A I am studying whether it was December or November. I believe December to the best of my recollection, and that was in---it must have been 1898--seems to me it was in November, 1898. I can fix it by studying a little bit.
- Q Who does that child live with? A A man by the name of Arthur Bean taken her from here, but I heard since that she lives with a man by the name of Blythe, a preacher. I haven't seen the child for five or six years.
- Q Now, I believe the only reason why you claim you know that Lottie Bean died on the 8th of May, 1902, is by the number of crops you have made since she died? A Yes I was there and I know that I have been away--it's been--I made the six crops since she died; since Lottie died. I had one planted - I was done planting and harrowing the ground when she died. I made that crop there and moved away to Hayden and made three crops there and two since.
- Q Where place did you live on north of Hayden? A My own and my children's place.
- Q Now you don't know whether she was buried the same day or not on which she died, or whether a day or two after? A I couldn't say. It seems we kept her one night.
- Q In what cemetery was she buried? A Right here at the Riley cemetery. Right there north of where she lived about a mile.
- Q Is that the Mose Riley graveyard? A It's the Riley graveyard; they made it.
- Q Do you know who purchased her coffin? A I could only say this much about it, I don't remember who came after it; I don't know to-day. When she died neither of us had any money, and we had always lived neighbors and her mother and my wife were good friends and of course I saw Andrew about it and he talked with me about it. I told Andrew to go and get the coffin and I said have it charged. I said get thirty days on it and Andrew I want you to pay for it and tell them to charge it up to me and send it out, and I don't recollect anything more about it.

- Q Is it your recollection that Andrew Bean, who is now dead, came and purchased the coffin? A I couldn't say who came after it. That's what I told Andrew.
- Q How did you pay for that coffin? A No sir.
- Q Were you ever called on to pay for it? A No sir.
- Q Do you know where it was purchased, of whom? A No sir.
- Q Do you know who purchased her burial clothes? A No sir.
- Q Do you know from whom they were purchased? A No sir.
- Q Did they have a funeral there at the house or at the grave?
- A They sung and prayed of course, but I don't remember whether it was just a preached funeral or not.
- Q Do you remember if there was a minister present? A I couldn't say. Brother Andrew Riley was there.
- Q Was he a minister? A I don't know whether he conducted it or not. Sometimes they have a preacher at that charge and the other man sometimes takes the lead.
- Q Well do you remember who hauled the coffin from the house to the cemetery? A I couldn't say. My team might have hauled it.
- Q Do you remember the names of some persons who were at the grave when she was buried? A Well, I would say Julius Curle, and my wife was there too.
- Q Where is Curle? A Julius Curle, he lives right out here in the country. Lile Curle was there too. The neighborhood were there, and just a little neighborhood of us and we were all there, but to pick them out here and there it would be hard to do because we all attend when one dies. All the neighborhood goes unless it is some of the little children. I know two children that was there too, Ruth Montgomery and Emmett Creadwell.
- Q Are you a married man? A Yes sir.
- Q Was your wife there--your present wife? I suppose you were not married at that time? A I am satisfied my wife was there because she waited on her.
- Q Is she here today? A No sir, she's at home. She's got a boy very sick at home. She's been sitting up with him two weeks, and wasn't called here anyway.
- Q You spoke of your daughter knowing something of this. Where is she? A She's here.

By Mr. Veasey:

- Q Mr. Montgomery what houses are nearest the Andrew Bean house in which Lottie Bean died? A What houses?
- Q Yes? A The house I live in is the nearest house. The house that Fred Martin lived in at that time is the next closest house. The next is north of that, that Rile Curle lives in, and it is just about the same distance to Dave Palmore.
- Q Is Mr. Palmore a white man or Cherokee? A They're citizens, some of them. Either him or his wife I think is white. One is intermarried. They're Indians; supposed to be. One of them is white. I don't remember which one of them is; one or other is white.
- Q Is the house in which Williams lived at the time of her death near the Bean homestead? A Yes sir, it's just across right almost right due east and across two eighties.

Lottie Bean 6

- Q Do you know who moved into the house which you moved from, being the one you occupied when she died, at the time you moved to Hayden? A Yes sir.
- Q Who was it? A J. D. Williams.
- Q Have you any knowledge of when Andrew Bean moved from the Bean homestead? A Andrew moved awful ^{close} to Christmas.
- Q What year? A 1903. I think he moved in January, 1903. I stayed there and moved after. Andrew left before I moved away.
- Q Who, if you know, moved on the Bean farm after he moved away? A Man by the name of Most. I am told he is dead.
- Q Do you recall at this time the names of any other colored people who died in this neighborhood at about the time Lottie Bean died? A I know of two that died.
- Q Who were they? A After that time. Miss Tipps died next-- my sister-in-law---she died in Vinita though, but she went out to her sisters and died before she got back. She died there the 2nd or 3rd of October, 1902.
- Q Who else died at that time? A Vinita Martin died a little over two weeks later, about the 20th or 23rd of October.
- Q What year? A 1902.

By Mr. Riddle:

- Q Who was the physician, if anyone, that waited on Lottie Bean during her last sickness? A I believe they had one doctor after Doctor Bone. Dr. Bone waited on Lottie until I think about two weeks before that she died. I think that was the last visit he ever made, but he said he couldn't do anything for her, and she lingered along for a few days and I think they sent and got another doctor one time, I can't say what his name was, but Doctor Bone waited on her.
- Q Where did that Doctor live that waited on her after Doctor Bone quit? A I think in Chelsea at that time.
- Q Was it Doctor Hughey? A I can't say, but I think they got a doctor one time after Doctor Bone quit.

By Mr. Reason:

- Q Was Vinita Martin a Cherokee citizen? A Well, she was considered at that time. They had been on the roll. Vinita Martin was Dicey Tinnen's daughter. They been rejected since that time.

Witness excused.

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Abbie E. Williams being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, post office address, and your age?
A Abbie E. Williams, Chelsea, Oklahoma, age twenty-five.
- Q Did you know Lottie Bean during her lifetime? A Yes sir, I did.

- Q How long did you know her before her death? A About ten years.
- Q Do you know on whose farm in the Cherokee Nation she died?
- A On her mother's place it were called then, Clara Bean.
- Q Who was managing the place at the time of Lottie's death?
- A Why herself and Andrew Bean.
- Q Did you live near this Andrew Bean place? A Yes sir.
- Q At the time of her death? A Yes sir.
- Q About how far from the Andrew Bean place did you live then?
- A Well, about half a mile.
- Q What other people lived near the Andrew Bean place at the time of her death? A My father, Henry Montgomery.
- Q And who else? A Why Julius Curles; and Rile Curles is about the closest though.
- Q Did the Palmores live in that neighborhood? A They lived about the closest too; Dave Palmore.
- Q Do you know when Lottie Bean died? A Yes sir.
- Q When did she die? A On the 8th day of May.
- Q Of what year? A 1902, on Thursday.
- Q At what time of the day did she die? A She died about five o'clock in the morning.
- Q Were you actually present when she died? A I were there within half an hour of her death, and when they sent me word that she were dead they said she died within half an hour after I left there.
- Q Who else was present that night if you remember? A Besides myself?
- Q Yes, at her bedside? A My husband.
- Q Who is your husband? A Jesse Williams--J. D. Williams-- , Miss Sarah Martin, Mrs. Linda Bean, Mr. Andrew Bean, Mrs. Sarah Vann, Mr. Rufus Vann, Mr. Will Riley and his wife Maud Riley, my brother Marlen Montgomery--they call him Bud--, and Ephraim Riley, and Walter Vann and Love Landrum and Mollie Townsend. That's all I can remember.
- Q Was your husband at home continuously during April and May, 1902?
- A No sir, he wasn't at home at all.
- Q Where was he? A Arkansas.
- Q Did you correspond with him during the time he was away?
- A Yes sir, from one to two letters a week.
- Q I shall ask you to examine the letter which I shall hand you, dated at Chelsea, Indian Territory, Wednesday, April 23, 1902, addressed to Mr. Jesse Williams, and ask you if this letter was written by you to your husband? A Yes sir. It's awful dim now though.
- Q When did your husband return from Abbott, Arkansas? A He returned on the 4th day of May, 1902, on Sunday.
- Q Did you receive a reply to a letter which I have referred to?
- A Yes sir.
- Q Examine the envelope and letter which I hand you and state whether or not this is the reply which you received and whether or not it was enclosed in the envelope which I hand you?
- A Yes sir, this is the letter.
- Q Is that the envelope too? A Yes sir, this is the envelope that it came in.

By Mr. Riddle:

- Q Do you know whether Lottie Bean was buried on the same day she died or a day or two afterwards? A She was buried the next day.
- Q And do you know who purchased the coffin for her? A I couldn't emphatically say, but her brother Andrew paid for it.
- Q Do you know of whom it was purchased? A No sir, I do not. Let me see - no sir, I do not.
- Q Do you know whether it was purchased at Chelsea? A No, I don't know that either.
- Q Do you know what doctor waited on her in her last sickness?
A Yes sir.
- Q Who? A Doctor Bone.
- Q Doctor J. Wade Bone. Did he live here at that time? A Yes sir.
- Q Any other physician? A Not that I know of.
- Q Did you know Doctor Hughey? A No sir.
- Q Do you know who came to town for the burial clothes and the coffin? A No, I do not. No sir, I do not.
- Q You say that your husband was over in Arkansas in 1902? A Yes sir.
- Q Where was he in 1903? A We lived on-- it was my father's farm then, but it is Capt. Hicks place now. Papa sold it to him.
- Q You say your husband returned on the 4th of May, 1902? A Yes sir.
- Q Where is he? A Now? He's in that room I believe.
- Q Are you a Cherokee freedman citizen? A Only a claimant. My case is pending.
- Q Do you know Mose Riley? A Yes sir.
- Q Was Mose Riley at the funeral of Lottie Bean? A I didn't attend the funeral, it was so bad. My husband attended. I did not.
- Q What kind of weather was it? A The morning she was buried it was a drizzling cold morning, awful cold for May, unusually.
- Q Was there snow on the ground? A No, there were no snow.
- Q What was the condition of the roads? A They were muddy I believe, yes.
- Q You think Lottie Bean died on the 8th day of May? A I know she did.
- Q 1902? A Yes sir.
- Q On Thursday? A Yes sir.
- Q And at five o'clock in the morning? A Yes sir.
- Q Now I believe you stated that Andrew Bean was her father?
A No sir, her brother.
- Q And that he's dead? A Yes sir, he's dead. I didn't state though.
- Q Where did he die? A On Lightning Creek.
- Q What year did he die? A First day of last December a year.
- Q And did you know Vinita Martin? A Yes sir.
- Q You spoke of her being dead? A Yes sir, she's dead.
- Q When did she die? A She died on the 23rd day of October, 1902.
- Q 1902? A Yes sir.
- Q Was you present any time during the last sickness of Lottie Bean when Doctor Bone visited her? A No sir, I were not. He left just before I got there on one visit.
- Q When was that? How long before she died? A Oh gracious, I never did meet Mr. Bone there. He didn't come for some time before she died.

- Q He didn't visit her for two or three weeks before she died did he? A I couldn't swear to that, not knowing.
- Q Do you remember what person hauled the coffin to the cemetery?
A I weren't there.
- Q You was at the house when they left? A No, at my own home.
- Q Did they have a funeral? A Yes sir.
- Q What minister was present? A Mr. Andrew Riley, her uncle.
- Q Any other? A Not that I know of.

By Mr. Rossen:

- Q When did your husband return from Arkansas? A On the 4th day of May.
- Q Is your mother living? A Yes sir.
- Q Have you any brothers and sisters who have died? A Yes sir, one sister dead.
- Q When did she die? A She died the 22nd of April in 1906.
- Q When were you married? A I were married on the 5th day of February, 1899.

By Mr. Veasey:

- Q How many children have you? A I have five children.
- Q How many children did you have----what was the age of the oldest?
A She is eight years old New Years day past.
- Q How many children did you have when Lottie Bean died? A Just two.
- Q What were their names and ages? A Dorothy and Major. Dorothy when Lottie died was a year and about nine or ten months old I suppose. Let me see -- I couldn't state her age. She wasn't two years old. Let me see if she were. Dorothy was two years old and Major was about eight months old. Dorothy were two and Major about eight.
- Q When were these two children born? A Dorothy born on New Years day, 1900. Major born first day of August, 1901.
- Q What were the dates of the birth of your other three children?
A Cathlene born the 2nd of March, 1903, and Agnes was born the 23rd day of April, 1904, and Jessie born 1906.
- Q What month and day of the month? A Cathlene the 2nd of March, on Monday, 1903; Agnes the 23rd of April, Saturday, 1904; and Jessie the 6th day of January, 1906.
- Q Are you related to Henry Montgomery? A He is my father.
- Q Where was he living at the time of the death of Lottie Bean?
A On my mother's own home place where Capt. Hicks now lives. Right southeast of Lottie's place about a quarter.
- Q Is that not the nearest house to the Andrew Bean farm? A Yes sir, that's the nearest place.
- Q How long after the death of Lottie Bean did your father continue to live on the so-called Capt. Hicks' place? A Why he lived there about nine months I suppose.
- Q When did your father move from the Capt. Hicks place and where did he move to? A From the Capt. Hicks place on the 25th day of the following February.
- Q What year? A 1903.
- Q Where to? A Lightning Creek.
- Q Who moved into the house which he vacated? A I did myself, and husband and family.

- Q How long did you continue to live on the Capt. Hicks place, you and your husband? A Until the 22nd day of November of the same year.
- Q Did your husband make a crop on the Capt. Hicks place the year 1903? A Yes sir.
- Q Do you know when Andrew Bean moved from the house in which Lottie Bean died? A I couldn't state the day but I know he moved that year, I think it was in January, because a man by the name of Most moved in the place.
- Q Do you know who farmed the Andrew Bean place for the year 1903?
A Mr. Most.

Witness excused.

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Jesse Williams being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, age, and post office address to the Commissioned
A Jesse Williams, thirty-four, Chelsea.
- Q Are you related to the Abbie Williams who has just testified?
A Yes sir.
- Q Were you acquainted with Lottie Bean during her lifetime?
A Yes sir.
- Q For what length of time were you acquainted with her prior to her death? A About fifteen years.
- Q When did you marry your present wife? A I married her in '99.
- Q Do you know on which farm in the Cherokee Nation Lottie Bean died? A Yes sir.
- Q What farm was it? A On the farm on her mother's place, Clara Bean.
- Q Who was managing the old Bean farm at the time that Lottie died?
A Andrew Bean lived there.
- Q Where were you and your wife living at the time that Lottie Bean died? A Living kinda -- living east of the old Montgomery place where I am living now.
- Q About how far from the Andrew Bean farm? A Go straight across about three quarters.
- Q Where were you during the months of April and May, 1902?
A I were in Arkansas.
- Q During all of May, 1902? A No sir, not all of May. I came home the 4th of May from Arkansas.
- Q Did you and your wife correspond during the time that you were in Arkansas? A Yes sir.
- Q I will ask you to examine a letter dated at Abbott, Arkansas, Saturday, the 15th, 1902, addressed to Mrs. Abbie Williams, purporting to be signed by Jesse Williams, and shall ask you if you wrote this letter and signed the same and if the envelope which I hand you with the stamp of the sending office dated April 20, 1902, enclosed that letter to your wife? A Yes sir.

Mr. Veasey:

We now desire to offer that letter and envelope in evidence.

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By Mr. Riddle:

We object to the introduction of the letter and envelope here for the reason that it is not shown to be connected in any manner with the issue sought to be proven and determined in this case and for the reason that it is hearsay.

By Mr. Rosson:

The objection will be noted and the letter and envelope filed and considered for what it is worth. Exhibit "A".

By Mr. Veasey:

Q I am handing you a letter dated Chelsea, Indian Territory, April 23, 1902, to Mr. Jesse Williams, signed Abbie Williams, and ask you whether or not you received such a letter? A Yes sir.

I desire to read this letter into the record.

Mr. Riddle:

We object to the counsel reading the letter and having it made a part of the record or introducing the same in evidence in this case, for the reason that it is not shown to be connected with the issue sought to be proven or determined in this case, for the reason that it is hearsay and that no foundation has been laid for its introduction.

Mr. Veasey:

We offer the letter in evidence.

Mr. Rosson:

The letter referred to is filed herewith, marked exhibit "B" and will be considered for what it is worth.

By Mr. Veasey:

Q Was Lottie Bean living or dead when you returned from Arkansas on the 4th day of May, 1902? A She were living.

Q How long after your return was it that she died? A About four days.

Q Were you present at the home of Andrew Bean at about the time of her death? A Yes sir, I was there and set up all night and went home, and then I got word that she had died about half an hour after my wife and myself had went home.

Q Did you have anything to do with the funeral arrangements?

A Yes sir, I helped to dig the grave.

Q Where was she buried? A On Panther Creek north of Jerry Riley's place.

Q Did you attend the funeral? A Yes sir.

Q Are you acquainted with Henry Montgomery? A Yes sir.

Q Do you know where he was living when Lottie Bean died?

A Where Capt. Hicks is living at now. On his place.

Q How far was that from the Bean homestead? A Well I suppose that was a quarter of a mile, maybe a little better, somewhere along there.

Q Did Henry Montgomery ever move from the so-called Hicks place?

A Yes sir.

Q When was that, if you knew? A He moved from there in '93, February, on the 25th day of February.

- Q What do you mean by '93? A Why 1903.
- Q Where did he move to? A On Lightning Creek.
- Q Where were you during the year 1903? A I were down to Hicks place.
- Q Did you move on the Hicks place? A It was the Montgomery place when I moved on it.
- Q When did you move on this place? A Moved in February, 1903, the 25th day of February, 1903.
- Q Well did you continue to live in this house which has been called the Capt. Hicks house during the year 1903? A Yes sir, I made a crop there.
- Q Were you living there in May, 1903? A Yes sir.
- Q Where was Montgomery living in May, 1903? A On Lightning Creek.
- Q Do you know when Andrew Bean moved from the old Bean place?
- A I don't know exactly when he moved, but the next man -- he didn't live there when I lived there, because old man Most lived on this place the year I lived there and I lived on Henry Montgomery's place. Old man Most lived where Andrew Bean lived.
- Q What year was that? A 1903.
- Q Has Andrew Bean ever moved back to the old Bean homestead?
- A No sir.
- Q Where did Lottie die? A She died right there at the old home place.

By Mr. Riddle:

- Q Do you know what physician waited on Lottie during her last sickness? A Why no sir, I never saw anyone, but I have heard them say that Doctor Bene tended on her.
- Q You was never there when Doctor Bene visited her? A No sir.
- Q How do you know who purchased the coffin in which she was buried?
- A No sir.
- Q Do you know who came to town and got it? A No sir, I really don't know who came and got the coffin.
- Q Do you remember what minister attended the funeral? A I am not sure, but I think Andrew Riley.
- Q Now you say that you was over in Arkansas in 1902? A Yes sir.
- Q Did you write your wife a letter? A Yes sir.
- Q Just wrote her one? A I wrote her several.
- Q Now do you remember the date of the letter that's been introduced in evidence here which you wrote? A No sir, I don't remember the exact date.
- Q Do you remember of receiving the letter from her that's been introduced in evidence? A Yes sir.
- Q Do you know what the date of that letter is? A No sir.
- Q When did you go to Arkansas? A I went in February, 1902.
- Q And came back when? A May the 4th.
- Q The same year? A Yes sir.
- Q This letter here that you identified and which has been introduced in evidence as having been written by you to your wife, where did you mail that letter? A Abbett, Arkansas.
- Q Mail it the same day you wrote it? A I don't know whether I did or not. Sometimes I wrote them and let them lay over to the next day.
- Q What did you do over there? A Worked at the planing mill; lumber mill.

Witness excused.

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David S. Palmour being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q Mr. Palmour state your name, your age, and your post office address? A David S. Palmour.
- Q How old are you Mr. Palmour? A Fifty-three.
- Q And your present post office address? A Chelsea.
- Q How long have you lived in this part of the country, Mr. Palmour? A About fourteen years. This has been my post office ever since I been in the country.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Are you enrolled as such? A Yes sir.
- Q Is your wife a citizen of the Cherokee Nation? A No sir, she's a white woman, that is, not a citizen by blood.
- Q Do you know where the old Bean farm was? A Yes sir.
- Q Do you live near the old Bean farm Mr. Palmour? A Yes sir. Something near half a mile from me, little northwest.
- Q Are you acquainted with Henry Montgomery, a colored man? A Yes sir.
- Q Are you also acquainted with Jesse Williams, a colored man? A Yes sir.
- Q Do you know where the farm known as the Capt. Hicks farm is? A Yes sir.
- Q About how far from you is that farm? A Why it's just a little bit over a quarter of a mile I guess.
- Q Who owned the so-called Capt. Hicks farm if you know in the year 1902? A Why Montgomery was living there at that time, Henry Montgomery.
- Q Did Montgomery continue to live on the Capt. Hicks farm or the so-called Montgomery farm throughout 1903? A He left there the last of February or March, 1903.
- Q Do you know where he went to? A I suppose he went up on Lightning Creek. That's where he said he was going.
- Q Do you know who moved into the house which Montgomery vacated in February, 1903? A Jesse Williams.
- Q Do you remember about the time that Andrew Bean left the old Bean homestead? A Well, I couldn't say about that, but I think it was in the winter. Well, I can't remember just exactly.
- Q Do you know who farmed the old Bean place during the year 1903? A Well, my recollection is Mr. Most.
- Q Were you acquainted or did you know of Lottie Bean during her lifetime? A Yes sir.
- Q You have testified as to the date of Montgomery's leaving the Capt. Hicks place. Is it your recollection that Lottie Bean died before that time or after that time? A It's reported that she died before that time, but I never seen her dead, but I have never seen her since the report that she was dead.
- Q And that report was that she died before February, 1903? A Yes sir, she died in the spring. My recollection is they said she died then, April or May, 1902, somewhere along there.
- Q Do you remember when you first heard of her death, Mr. Palmour? A Well, it was along about that time is my recollection, April or May.

By Mr. Riddle:

- Q How far did you live from their place at that time? A Bean's?
Q Yes? A Something near half a mile from where they lived to where I lived.
Q You had no personal knowledge of her death or burial? A No sir, only I seen them going to the graveyard, but I never seen her and don't know it was she that was dead.
Q Did you know of her sickness before her death? A I heard of it.
Q Just heard of it? A Yes sir. I never seen her. I heard she was sick.
Q Do you know how long she was sick? A No sir, I couldn't tell.
Q All that you know about her death is just what the report was?
A Yes sir. I never seen her at all. I never seen her since then.

By Mr. Rosson:

- Q What fixes it upon your mind that Montgomery left the Capt. Hicks place on February 25, 1903? A Well, I couldn't give you the date, but it was the last of February or right at the first of March; I couldn't give the exact date, but I was there the morning he left.
Q What fixes it upon your mind it was the year 1903 more than the year 1902 or 1904? A It was in 1903.
Q Is that just your independent recollection or were there some circumstances? A There were circumstances that satisfies my mind that that was when it was.
Q What are the circumstances? A I went over to try to make a deal with him on the place. Before he left on the 14th of February he was going to sell his place, and I was trying to make a deal with him to buy the place, that is, if he would sell it on time.
Q Did he sell the place? A Yes sir.
Q Who bought it? A Capt. Hicks I believe.
Q And that was in 1903? A Well, he didn't sell the place at that time. He sold it after that.
Q That was 1903 you tried to buy his place? A Yes sir, provided he would make that kind of a deal. I wanted the refusal of the place.

Witness excused.

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J. P. Curles being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, age, and residence? A J. P. Curles, forty-one.
Q Are you a duly enrolled freedman citizen Mr. Curles? A Yes sir.
Q Did you know Lottie Bean during her lifetime? A I did.
Q Do you know on which farm she died in the Cherokee Nation?
A Yes sir.

- Q What one was it; how do you describe it; who owned it?
A It was first made by her father, her parents, and it was afterwards owned by the heirs.
- Q Who was managing it at the time Lottie died? A Her brother Andrew Bean.
- Q Were you present at or about the time of her death? A Why about the time she died, within a few days.
- Q Were you present at her funeral? A I aint clear that I was. I am pretty certain I was but I couldn't say positively.
- Q You knew Henry Montgomery? A Yes sir.
- Q Where was Henry living when she died? A He was living east about half a mile east of her.
- Q Was he living on the place sometimes called the Capt. Hicks place now? A Yes sir.
- Q Where was Jesse Williams living at the time she died? A Aint certain but I think he was living still east of the Capt. Hicks place on his own place.
- Q Mr. Curls do you keep a journal of things which happen in the neighborhood, and deaths and other occurrences in that neighborhood? A Yes sir, I have kept such a journal and record.
- Q Have you consulted that journal with reference to the time of the death of Lottie Bean? A I have.
- Q Refreshing your memory from that journal, I shall ask you when she died? A According to the records she died in May the 9th, 1902.
- Q You have that record with you? A Yes sir.
- Q When did you make that entry of her death, Mr. Curls?
A About the time of her death, within a few days, that we are pretty certain. I haven't positive recollection but pretty certain within a few days of her death.
- Q Is it your practice to make entries in your journal at about the time they occur? A Yes sir, in those cases.

By Mr. Riddle:

- Q Now Mr. Curls whatever notation or memorandum you made of the death of Lottie Curls you made after her death and from your own memory did you not? A After her death?
- Q Yes, and from your own memory of the matter? A Yes sir.

By Mr. Rossen:

- Q Independent of your record do you know the date of her death?
A I do not.
- Q Do you know in what year she died, independent of the record?
A No, independent of the record I can't say positively just what year.
- Q Have you a record in that recording the dates of death of other people? A Yes sir.
- Q In this journal referred to there are a number of entries and dates of various events. Were these entries made at the same time or at different times? A They were made at different times.
- Q In whose handwriting are those entries? A They are mine.
- Q Did you make all of the entries yourself? A I did, yes sir.
- Q Has that book been in your possession all of the time since the different entries were made in it? A Yes sir.

By Mr. Riddle:

- Q Mr. Curls are these notations of events here all in your own handwriting? A Yes sir.
- Q They seem to have been all made with the same lead pencil; is that right? A No sir, I am certain they are not because they cover considerable space.
- Q There seems to have been some leaves torn out immediately preceding these. How do you account for that? A Let me see the book. At the center of the book I run short of some paper and I tore out some leaves.
- Q Now isn't it a fact that the leaves that were torn out here was the record which you had kept and which you placed down at the time the events occurred, and that you put these down here as they appear all the same time with the same pencil? A No sir.
- Q How do you account for the fact that you have not chronicled any events since 1904? A How? Just neglected it.
- Q Quit keeping history now have you? A Neglected to do so. Been things I aimed to put down but I wouldn't until they got out of my memory.
- Q Now isn't it a fact that at times you forget to put down these events until long after they occur and then put them down from memory? A Why there's only one or two cases. The death of my mother, she was recorded there considerable after her death. After I found out my memory a little bit dull I recorded it there, but things of not very much importance I just let go.

Witness excused.

Millard F. Hicks being called as a witness and duly sworn by B. F. Brown, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, age, and post office address? A My name is Millard F. Hicks, called Capt. Hicks a good deal; my age is fifty-eight years old; post office Chelsea.
- Q Where are you living at present? A I live northwest of here five miles.
- Q From whom did you buy the farm on which you live? A From Henry Montgomery.
- Q When did you buy it from him? A About July, 1903.
- Q Where was Montgomery living then? A On Lightning Creek.
- Q Do you know when he moved to Lightning Creek from the place which you bought, to Lightning Creek? A No sir, I don't know exactly when he moved; sometime that spring or winter; I didn't see him move.
- Q You have no knowledge yourself of the time at which Lottie Bean died have you? A No sir, none at all.
- Q Who was living on the Montgomery place at the time you bought it?
A Jesse Williams.
- Q Did he have a crop in on the place that year? A Yes sir, I bought the rent.

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- Q When did you move onto the place? A November, 1903.
Q Did you enter into any writings when you bought the farm, Capt?
A I taken a bill of sale from Montgomery.
Q You got the bill of sale? A No, haven't got it. I filed it in the Commission's office when I filed the land.

By Mr. Rosson:

- Q When did he give you that bill of sale? A July, I think.
Q Of what year? A 1903.
Q Believe I understood you bought the place before that; is that right? A No sir, I bought it in 1903, about July.
Q He gave you the bill of sale at the time you bought it? A Yes sir.
Q Did you file the bill of sale in your application to select an allotment for yourself or someone else? A My wife.

By Mr. Veasey:

- Q When did you first talk to Montgomery about buying this place?
A Good while before that; a year I reckon.
Q When you were on the place in 1903 before you bought it do you remember any specific time you were on the place?
A I was on the place once or twice--one particular time in 1902.
Q Were you on the place in 1903 a month or two before you bought it? A From the time I commenced on the trade I was twice on the place before I made the deal.

Witness excused.

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Mary M. Palmour being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, age, and residence? A Mary M. Palmour, age forty-nine; Chelsea.
Q Are you related to the Mr. Palmour who has previously testified in this case? A Yes sir.
Q In what way? A Wife.
Q Do you know where the Andrew Bean place is in the Cherokee Nation? A Yes sir.
Q The old Bean farm? A Yes sir.
Q Where do you and your husband live with reference to that farm? How far from it? A We live I suppose just half a mile this side.
Q How long have you lived within that distance of the place?
A We have lived there I think thirteen years next month.
Q Were you acquainted with Lettie Bean during her lifetime?
A Yes sir, I knew Lettie Bean.
Q You were acquainted with Henry Montgomery? A Yes sir.
Q Are you acquainted with Jesse Williams? A Yes sir.
Q Do you know about the time that Henry Montgomery moved from the place which is now called the Capt. Hicks place to Lightning Creek? A Well, I don't know that I can tell you just what time

he left there, but I think it was in the spring of 1903, I wouldn't be positive.

Q That is your best recollection? A That's the best of my knowledge.

Q Do you know where Mr. Montgomery--Henry Montgomery--was living when Lottie Bean died? A Within a quarter of a mile of us, between our place and where she died, where they said she died. I didn't see her, but that was the time it was reported Lottie died. He was living right there between us and the place she was living.

Q Do I understand you he was living on the place now known as the Capt. Hicks place? A Yes sir.

Q Do you know who moved into the Capt. Hicks place when Montgomery moved from it? A Jesse Williams, Montgomery's son-in-law.

Q Do you know who farmed the Capt. Hicks place for 1903, who put a crop in there? A I don't believe I could tell you.

Q For the year 1903? A No sir, I don't believe I can. I paid such little attention to the farming. 1903 you say. Well, it must have been Williams.

Q Who was living in the Capt. Hicks place in 1903? A Well, that's who was living there.

Q Who? A Williams. But I couldn't tell you whether he lived there long enough to make a crop or not, but I think he did.

Q Do you have any recollection of when Andrew Bean moved from the old Bean place? A No sir, I couldn't tell you for he has moved in there and out two or three different times since we been living up there.

Q Had you heard of Lottie Bean's death before Montgomery moved away and before Jesse Williams moved into the Capt. Hicks place?

A Yes sir, I heard of her death.

By Mr. Brown:

Q You don't know when Lottie Bean died? A No sir, I couldn't tell you just the time, but as I said a while ago I know that Montgomery lived at this place--the Hicks place--at the time they reported her death.

Witness excused.

Al Most being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

Q State your name, age, and post office address? A Al Most.

Q What is your post office address? A Chelsea.

Q Your age? A Thirty-two, will be tomorrow.

Q How long have you lived in the Cherokee Nation Mr. Most?

A Well sir, I have been living here ten years the 4th day of this last December.

Q Do you know where the old Bean farm is, the so-called Andrew Bean farm? A Yes sir.

Q Do you know who lived on that place and farmed it for the year 1903? A My uncle lived there.

Q Who was your uncle? A Chris Most.

- Q Is he living or dead? A No sir, dead.
Q Did he have any boys with him at the time of making the crop?
A Yes sir.
Q What were their names? A Charlie and Joe. Well, there's three, but one was small.
Q Did you assist them at the time they moved upon the place?
A Yes sir, I helped them move over there.
Q About what time of the year do you remember? A Late in the winter. Either right before Christmas or right after.

Witness excused.

F. H. Harrendorf being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, age, and residence? A F. H. Harrendorf.
Q Where do you get your mail? A Here at Chelsea. I live about four miles northwest of here.
Q How long have you lived in the Cherokee Nation? A I have lived here about twelve years. No, not quite twelve; between eleven and twelve.
Q Were you acquainted with Chris Most during his lifetime, and his boys Henry and Joe? A Joe and Charlie.
Q You were acquainted with them were you? A Yes sir.
Q Do you know where the old Bean farm is about five miles from town here? A I heard tell of the Bean farm. I helped old man Most move out there and he said it was the Bean farm; all I know about it.
Q When was that? A I couldn't say for sure, but I think 1903 when the old man made a crop there. I know the year after I moved him and I made that crop over there.

By Mr. Brown:

- Q Where is that Andrew Bean farm? A Over northwest of Chelsea here.
Q How far? A I expect it's -- I couldn't say, but I expect it's about three and a half miles or four anyhow. I couldn't say for sure. I never measured it.

Witness excused.

James M. Chaney being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, age, and post office address? A James M. Chaney; fifty-nine; Ruby, Oklahoma.

- Q How far is that from Chelsea and in what direction? A Well sir, I should think it was northwest.
- Q And about how far? A Fifteen or sixteen miles. I don't positively know. I think about that.
- Q Are you acquainted with Henry Montgomery, a colored man?
- A Yes sir.
- Q Did he ever live in your neighborhood? A Yes sir.
- Q At what time did he move there if you remember? A I think about February or March of 1903. I couldn't say positively which months.
- Q Did he make a crop on the place to which he moved at that time?
- A Yes sir.
- Q For the year 1903? A 1903, 1904 and 1905. My daughter's filed on 140 acres of the land in Mr. Montgomery's field. That's why I know so positive; him having a too late freedman.
- Q Does Lightning Creek run in the neighborhood where you live?
- A South and east.
- Q Is it sometimes said that this place on which Mr. Montgomery made this crop is on Lightning Creek? A No sir.
- Q Is it in the Lightning Creek neighborhood? A I couldn't say. They may call it the Lightning Creek neighborhood, but I call it Salt Creek neighborhood.

Witness excused.

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John Madden being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, age, and residence? A John Madden, ^{Hayden} Hayden, Oklahoma, age thirty-six.
- Q Do you know Henry Montgomery? A Yes sir.
- Q Has Henry Montgomery ever lived in your neighborhood near Hayden?
- A Yes sir.
- Q When did he move there if you know? A Some time in February, 1903.
- Q How far from the place to which he moved did you live at that time? A Why he lived east of me.
- Q How far? A A mile and a half east and one-half mile north.
- Q Did you have any business dealings involving the payment of money to Henry Montgomery after he came there? A Yes sir, he worked for me at times and I gave him checks.
- Q I will ask you to examine this check and state whether or not that was given by you to him in payment for anything after he moved to Hayden? In 1903? A Yes sir, I gave him that check in April, 1903.
- Q At the time you gave him this check had he moved to your neighborhood? A Yes sir.

We desire to introduce that check in evidence.

Mr. Brown:

To the introduction of which testimony the administrator and curator objects for the reason that it is hearsay, incompetent, irrelevant, immaterial, and the proper foundation has not been laid for the introduction of such testimony.

Mr. Rossen:

The objection will be noted and the check filed and considered for what it is worth. Marked Exhibit "C"

By Mr. Veasey:

Q What years did Montgomery put in crops on the place to which he moved near you? A 1903 and 1904 that I recollect of, and I couldn't swear to it but I think 1905.

By Mr. Brown:

Q You don't know where Montgomery moved from of your own personal knowledge do you, when he moved to where you were? A Well now after he moved from where I did he went on what they called the Mrs. Johnson place.

Q Do you know where he came from when he moved to where you lived? A Yes sir.

Q Where was it? A Down on Panther Creek where Mr. Hicks lives now.

Q Do you know that fact of your own personal knowledge? A Yes sir. Yes sir.

Q Were you acquainted with him before he moved to your country? A I have been acquainted with him for twenty-five years when me and him were in Kansas. We used to go to school up there.

Q Were you ever in the neighborhood of Panther Creek when he lived there and visited him? A Yes sir, I used to have a mother-in-law that lived close to him up there, what we called the Tennon place just southwest of where Capt. Hicks lives now.

Q How do you know that it was in 1903 that he moved? A I was having some clearing done up there in the bottom at my place and he wanted some posts and I told him you go in the bottom and if you make up them posts, they're already cut off, and I will give you one-third of them, and he says I want some posts, my fences are down and I got to fix them up, and I said you help me make them up and I will give you one-third of them.

Q How do you know that was in 1903? A Well, because I know it was. I have had accounts for it and books to show for it. I had men working there by the acre and by the day and every way.

Witness excused.

H. Draeger being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

Q State your name, age, and - ? A H. Draeger.

Q How old are you Mr. Draeger? A Forty-four years old.

Q What is your post office address now? A Chelsea.

Q How long have you lived in the Cherokee Nation? A Six years.

Q Do you know Henry Montgomery? A Yes sir.

Q How far do you live from Chelsea at the present time? A Right near town.

- Q How far did you live from Chelsea in 1903? A Well I think between twelve and thirteen miles, something like that, between Lightning and Salt Creek.
- Q Do you know where Henry Montgomery lived in 1903? A Yes sir.
- Q Where? A Lived right about half a mile east of me.
- Q When did he move to that place east of you that you have just spoken of? A Spring of 1903.
- Q Did he make a crop on the farm to which he moved in the year 1903? A Yes sir.
- Q Did he live on the place during that entire year? A Yes sir.
- Q Live there during any following year? A Yes sir.

Witness excused.

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Charlie Most being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name, age, and post office address? A Charlie Most, age twenty-nine, Chelsea.
- Q How long have you lived in the Cherokee Nation? A Ten years.
- Q Who was your father? A Chris Most.
- Q Living or dead? A Dead.
- Q Whom did he die? A Twenty-eighth day of December last year.
- Q Did you live with him until the time of his death? A Why I was here at the time of his death. I was gone for a couple of years, but mostly with him all the time.
- Q Were you living with your father during the year 1903? A Yes sir.
- Q Have you any brothers? A Yes sir.
- Q How many? A Three.
- Q Are any of them grown? A Yes sir.
- Q Were any of your grown brothers living with your father in 1903? A One of them grown now but not then.
- Q Who was that? A Joe.
- Q How old is he now? A Twenty-one.
- Q Where did you and your brother Joe live with your father during the year 1903? A Andrew Bean's place.
- Q Where is that place with reference to the old Montgomery or Hicks place? A Joins it.
- Q Do you know David Palmeur? A Yes sir.
- Q Where is the Bean place with reference to his farm? A I think part of it joins it. They used to claim it.
- Q How far are the houses apart? A Half a mile or a little more.
- Q What time of the year did your father and yourself and your brother Joe move to the Bean farm? A Moved there in the winter.
- Q Did you put a crop in on the farm for the year 1903? A Yes sir, put in a crop.
- Q How many acres did you put in cultivation? A About sixty-five or seventy.
- Q What character of crop did you put in? A Mostly corn and oats.
- Q How long did you and your father and Joe continue to live on the Andrew Bean farm? A One year.

- Q Where did you move then? A Chelsea.
Q Did you know Lottie Bean? A No sir.
Q Did you have any talk with Andrew Bean about the time that you moved in the old Bean house about a relative of his dying the year before? A I have heard them talk about it, yes, I don't know who, but I have heard them.

By Mr. Rosson:

- Q Do you know where Andrew Bean lived when you moved onto the place? A Same place we moved onto. You mean after we moved on the place?
Q Yes? A Down near Rufus Vann for a short time, a month or so.
Q Do you know who the members of Andrew Bean's family was when he lived with Shorty Vann as described by you? A No.
Q Were you living in the Bean house in May, 1903? A May?
Q Yes? A Yes sir.

By Mr. Riddle:

- Q Mr. Most is it possible you think that it was not in the spring or winter of 1904 that you moved on the farm instead of 1903?
A No sir, moved there in 1903.
Q Have you something to fix that date by? A Yes sir, I have.
Q What is it? A Well sir I have got a paper or contract I written up in 1904. I put in the crop and sold it out to my counsin.
Q What crop was that? A Wheat crop.
Q What farm? A George Parker.
Q Was you living on the Parker farm in 1904? A No sir.
Q How long did you live on this Bean farm? A One year.
Q When did you leave it? A Left it in the winter of 1903. I don't know whether we left before January or after.
Q Before or after? A Left it the next winter and put in a crop in 1903.
Q You knew Andrew Bean? A Yes sir.
Q When did he die? A Why, I don't know, I didn't see him, but heard he died about a year ago, something like that.

Witness excused.

Joe Most being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Veasey:

- Q State your name? A Joe Most.
Q How old are you? A Twenty-two; no, twenty-one, be twenty-two the 18th day of April.
Q Where do you live? A Chelsea, I. T.
Q Who is your father? A Chris Most.
Q Are you related to Charlie Most who has just testified in this case? A He's my brother.

- Q Were you living with your father and brother Charlie in the year 1903? A Yes sir.
- Q Where were you living at that time? A Andrew Bean's place.
- Q What time of the year did your father, your brother and yourself move on the Andrew Bean place? A I couldn't tell you, right along---either 1902 or 1903---either in the first---right about Christmas or January. I know we put in a crop in 1903.
- Q How long did you continue to live on the Andrew Bean place? A My father had it leased for two years and lived there one year and sold out and sold the lease to White.
- Q What time of 1903 did you move from the place? A In the fall.
- Q Were you living in the same house on the Andrew Bean farm which Andrew Bean vacated? A Yes sir, up on the hill, up on the same place.
- Q Was your father's family, including yourself, living in that house in May, 1903? A In May?
- Q Yes? A Sure.

By Mr. Brown:

- Q You don't know whether you moved there in 1902 or 1903? A No, couldn't swear to that.
- Q Which do you think it was? A Either before January or after January, I couldn't say.
- Q How do you know it was either 1902 or 1903, and January? A Well, the reason why I know, there was a shooting match down there and that's about Christmas.
- Q How do you know it was 1902 or 1903? A Well, I can trace it back and show you where my brother sold out his wheat crop to Al Most. He's got the bill or whatever you call it in his pocket today. We moved from that place and stayed one year and then bought a place.
- Q Did you know Andrew Bean? A Yes sir.
- Q Do you know Lottie Bean? A No, all I know is that Andrew Bean told my father one day, he was up there talking about all his relation and Andrew said that his sister died in that house I think the year before that.
- Q You don't know just what time she died? A No sir.

Witness excused.

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TESTIMONY FOR APPLICANT.

Rufus Vann being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q You may state your name? A Rufus Vann.
- Q Where do you live? A I live four miles north of Chelsea.
- Q What is your age? A Thirty-nine.
- Q Did you know Lottie Bean in her lifetime? A Yes sir.
- Q Did you know her brother Andrew Bean? A Yes sir.
- Q Are you any relation to either of them? A No sir, none at all.

- Q How long did you know Lottie Bean before her death? A I knowed her about eight or nine years.
- Q Where was she living at the time of her death? A Lived with her brother Andrew Bean.
- Q Where? A Four miles north of Chelsea here.
- Q On what place? A On the John Bean place, her father's place.
- Q Who was living with them, if anyone? A I and my wife.
- Q Were you living with them at the time of Lottie Bean's death? A Yes sir.
- Q How long had you lived there with Lottie Bean before her death? A Oh, I guess I was there about two or three months.
- Q How long was Lottie Bean sick immediately preceding her death? A Well sir, I really couldn't tell you, but she was sick quite a while. I never kept straight account of how long she been sick.
- Q Who was her attending physician? A Why, Doctor Bone.
- Q Anyone else attend her while you lived with her there? A No sir, not that I know of.
- Q Rufus do you know when Lottie Bean died? A She died in 1903.
- Q What month? A May. She died in May.
- Q Have you anything to fix that date in your mind? A Yes sir, I had a boy birthed at that time.
- Q Did you have a baby born there in that house while you lived with Lottie Bean before her death? A Yes sir.
- Q When was that child born? A March 13, 1903.
- Q What is it's name? A Alfred Vann.

By Mr. Veasey:

- Q Rufus are you a freedman citizen? A Yes sir.
- Q Are you enrolled? A Yes sir.
- Q Is this boy enrolled? A Yes sir.
- Q Did you make an affidavit as to the time of his birth when he was enrolled? A Yes sir.
- Q Do you read and write? A Yes sir.
- Q How old do you say you are? A Thirty-nine.
- Q When were you born? A I was born in '67.
- Q Where did you live in the year 1900? A 1900?
- Q Yes? A I lived on --- let me see --- I disremember now where I did live in 1900. Let me see --- well sir, I really don't know where I did live in 1900.
- Q Where did you live in the year 1901? A 1901? I was living somewhere in the neighborhood but I can't tell you just exactly what place it was. I was living somewheres in the neighborhood in 1900, but I don't know exactly where it was.
- Q Do you know where you were living in the year 1902? A 1902? I was living up there in the neighborhood up there at the Creek.
- Q Where were you living the year the Cherokee treaty was adopted? A Cherokee treaty?
- Q Yes? A Let me see -- well sir, I really can't remember that.
- Q Did you vote on the treaty Rufus? A Yes sir, I think so. Yes sir, I know I did. I think it was here.
- Q Chelsea? A Yes sir.
- Q Where were you living when you voted for the treaty? A Neighborhood of Panther Creek settlement.
- Q Don't you know on what farm you were living? A No sir, I really can't tell you. I have forgotten.

- Q Did you vote on the treaty before or after Lottie died? A After Lottie died, I think, as near as I can remember.
- Q A month or two afterward was it? A I think so.
- Q Rufus you remember making two different affidavits in connection with the death of Lottie do you not? A Yes sir, I tell you just exactly how that came. There ---
- Q You made one for Mr. Hunt didn't you? A Yes sir, I think so.
- Q Then you later made one for Mr. Elliott? A Yes sir.
- Q In which you said that the one you made for Mr. Hunt was not read to you? A Yes sir.
- Q You now say it was not read to you? A No sir, I don't think it was read to me.
- Q I want you to say whether it was read to you or whether it was not read to you? A Well now really I couldn't tell you. I am awful forgetful.
- Q You don't know whether it was read to you or not? A No sir, I don't.
- Q Was the affidavit which you made before Mr. Elliott read to you? A I believe so.

By Mr. Rosson:

- Q Rufus can you state how long it was after the birth of your child Alfred before Lottie died? A How long it was?
- Q Yes? A Well sir, I think it was, as near as I can remember, I think it was that same year or the year after; I don't know which, to be sure.
- Q Well in what year was your child born? A Well, I may have made a mistake in putting the date down. It may have been in 1902 and it may have been in 1903; I don't know.
- Q You don't know what year the child was born now? A I can't tell you until I see the record.
- Q What record? A Record that I kept of my child.
- Q Have you got the record with you? A Yes sir.
- Q Let me see it. This memorandum shows that Alfred Vann was born March 13, 1903. Is that what it shows? A Yes sir, that's what it shows.
- Q Well is that the correct date of the birth of your child? A That's the correct date.
- Q When did you make that memorandum? A I made it the day he was born.
- Q Have you had that memorandum ever since? A Yes sir, I have had it ever since.
- Q That's your child by your wife Sallie Vann? A Yes sir.
- Q Who wrote it down, you or she? A Me.
- Q Do you remember what date was given as the birth of your child when you made application to have it enrolled? A I suppose I gave in 1903.

By Mr. Veasey:

- Q How many children have you Rufus? A Let me see -- there is Willis, Alfred, Ora, Emma Lenora, and Lorena.
- Q How many? A Four.
- Q Which is the eldest? A Willis.
- Q How old is Willis? A I think Willis is eight years old.

- Q Do you remember his birthday or the year he was born?
A Let's see -- Now you asked me where I did live -- that brings to my memory where I lived in 1900. Willis was born on Grand river thirty-five miles east of here in 1900. That's when Willis was born.
Q What month? A October 25th.
Q Which is your next eldest? A Next eldest? Let me see --
Q Which was your second baby? A I am trying to get them up together. Now Alfred -
Q Alfred? A Yes sir.
Q How many years is there between Alfred and the oldest boy?
A Well sir, there is about two years and a half difference between Alfred and Willis' age.
Q Now Rufus whose writing is this (referring to the memorandum)?
A It's mine.
Q You say this is the record of the birth of Alfred? A Yes sir.
Q When was this written? A It was written in March, the 13th.
Q That is, was written when the boy was born? A Yes sir.
Q As a matter of fact wasn't this all written at one time?
A Yes sir, all of this here was written at one time excepting these here down here. There is some of my other neighbors' children's ages.

By Mr. Rosson:

- Q Rufus, in the affidavit that you executed before Mr. Elliott it is stated that your child Alfred was born in the month of March, 1902, and that you think it was the 13th day. How about that?
A Let's see that. (Witness is handed memorandum) I don't think nothing at all about it, I know it was the 13th day of March, but it wasn't in 1902.
Q You think it was 1903? A Let's see, hold on here, let's see on this affidavit here. Well now I tell you that there must be, must be a mistake in Mr. Elliott's writing.

By Mr. Veasey:

- Q You know Henry Montgomery Rufus? A Yes sir.
Q Where was Henry Montgomery living when Lottie died? A Well sir, now really I couldn't tell you and tell the truth.
Q Don't you know as a matter of fact he was living in the place where Capt. Hicks now lives? A Well now the winter that I moved there he was living there, but whether he was living there when Lottie died I don't know; I couldn't tell you.
Q When was it that you moved to the Bean place yourself? How long before Lottie's death? A Let me see -- now I really can't tell you, but it was a considerable while.
Q Was it a year before? Did you live with Andrew and Lottie Bean a year before her death or was it just a few months? Well, now I tell you I don't know how -- let me see - I moved there in February.
Q What year? A 1903.
Q Then you moved there just two or three months before Lottie died according to your recollection? A Yes sir, according to my recollection.
Q Where did you move from? A I moved from the Charlie Landrum place.

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- Q What year did you farm the Landrum place? A Never farmed it at all.
- Q What place did you farm the year before you moved to the Bean place? A I farmed --- never farmed at all.
- Q Your recollection is that you moved on the Bean place in February 1903? A Yes sir.
- Q You continued to live with the Bean family on the Bean place until after Lottie died which was in May, 1903? A Yes sir.
- Q That's your recollection of it? A Yes sir, that's my recollection as near as I can recollect.

Witness excused.

Sallie Vann being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q State your name? A Sallie Vann.
- Q Age? A Twenty-seven I think, as near as I can tell.
- Q Post office address? A Chelsea.
- Q Are you the wife of Rufus Vann who has just left the witness stand? A Yes sir.
- Q When were you married to Rufus Vann? A Well, I just can't tell you; I just can't tell you now it's been so long, but I have been married close on to - let's see - as near as I can say, nine years I think, if I aint mistaken.
- Q How many children have you? A I have four living.
- Q Did you know Lottie Bean? A Yes sir.
- Q Was she any relation of yours? A No sir. No, I have five children.
- Q How do you know where Lottie Bean died? A Yes sir.
- Q State whether or not you was present at the time of her death? A Yes sir, I was right there at the time she died.
- Q Where was she living at that time? A Staying at her brother Andrew's.
- Q You may state whether or not you were living in the house with them? A Yes sir, right in the house with them when she died.
- Q How long had you lived there? A Well I guess it was about-- well I was there about-- stayed ~~annymans~~ there a year, made a crop there.
- Q You made a crop on the Andrew Bean farm? A Yes sir.
- Q Do you remember when you moved to that place? A No sir, I don't remember when we moved there exactly.
- Q Do you remember when you moved away? A We moved away after she died.
- Q How long after she died? A I don't know how long after she died. I don't know.
- Q Do you know the date and year of Lottie Bean's death? A It was 1903.
- Q Do you remember the month? A May.
- Q You may state why you know that Lottie Bean died in May, 1903? A Well, we was waiting on her and after she died we put it down; all that I can say.

- Q Did you have a child born while you were living with Lottie Bean on that place? A Yes sir. Yes sir.
- Q When was that child born? A He was borned in March.
- Q Of what year? A 1903.
- Q What is that child's name? A Alfred Vann.
- Q Was Lottie Bean living at the time that child was born? A Yes sir, she was living at the time that my baby was born. It was born in March and she died in May.
- Q Do you know what physician waited on Lottie during her last sickness? A We waited on her some.
- Q What doctor? A Doctor Bone.
- Q Doctor Bone? A Yes sir.
- Q Do you remember when his last visit was paid to her before her death? A No sir, I just don't remember.

By Mr. Veasey:

- Q Mrs. Vann are you a freedman citizen? A Yes sir, I am a citizen
- Q Are you enrolled? A Yes sir, I am enrolled.
- Q How old are you? A I was twenty-seven, near as I can guess.
- Q You don't know your exact age? A No sir, but twenty-seven is as near as I can say.
- Q Do you read and write? A No sir, I can't read or write; such a little reading it don't amount to anything.
- Q You have five children? A Yes sir, I have five, but one is dead.
- Q Is the oldest child living? A Yes sir.
- Q How old is he? A He is seven years old as near as I can make out his age.
- Q What is the next child? A Alfred.
- Q Where were you and your husband living prior to the time that you moved on the Bean farm? A We was living to a place named Charlie Landrum and we moved from there to Andrew Bean's place.
- Q Did you make a crop on the Landrum farm the year before you moved to the Bean place? A No sir, did not.
- Q And you say you moved on the Bean farm in March? A No sir, I didn't say we moved in March there; I said we moved there.
- Q Do you know what month you moved there? A No sir, I do not.
- Q But it was two or three months before Lottie died? A Yes sir, longer than that. We stayed with Andrew and made a crop at Andrews.
- Q Do you know what year you moved on the Bean farm? A No sir, I don't know what year.
- Q Was it in the spring or in the fall? A Well, I don't know. It seem like it was in the fall. I know we made a crop at Andrews in the summer.
- Q The summer after you moved on there? A Yes sir, we made a crop at Andrew's that summer. This girl was staying there with her brother Andrew and we stayed with them until she died.
- Q Lottie died the year that you and Rufus made a crop on the Andrew Bean farm did she not? A Yes sir.
- Q You only made one crop on the Andrew Bean farm did you not?
- A Yes sir.
- Q And the year you made this crop Lottie died? A Yes sir, she died in May.
- Q May of that year? A Yes sir.
- Q Who was it, if you knew, who moved on the Andrew Bean farm after Andrew and your husband and yourself moved off? A Mr. Most I believe.

- Q And he farmed it the year after you and Rufus and Andrew moved off? A I think he did. Of course after we moved -- we moved a good piece from the Andrew Bean place.
- Q On whose place were you living when the oldest child was born? A Our oldest child we got?
- Q Yes? A I don't know sir.
- Q Don't you know where you were living then? A The oldest one?
- Q Yes? A We lived down at a place called Fort Gibson.
- Q On Grand river? A No sir, Fort Gibson. Our oldest child.
- Q I mean the oldest child you had by Rufus? A That's the one I am talking about.
- Q You lived at Fort Gibson then? A Yes sir.
- Q What year was that? A I don't know sir, I can't say. It's been so long. I didn't keep account of all of it.
- Q How many years are there between the oldest child and Alfred? A I don't know sir. I would have to go away back and count it up.
- Q You know Henry Montgomery? A Yes sir.
- Q Do you know where the Capt. Hicks place is? A Yes sir.
- Q Wasn't Henry Montgomery living on that place when Lottie died? A I don't know whether he was living there or had moved away when Lottie died.

By Mr. Rossen:

- Q What is the name of your child next younger than Alfred? A Emma Lenora.
- Q Is she enrolled? A Yes sir.
- Q Do you know the date of her birth? A She was born in March, but I don't know just what day, but it was in March when she was born.
- Q Do you know what year? A No sir.
- Q Your youngest child living, what is it's name? A Lorena Vann.
- Q When was she born? A She was born in December.
- Q What year? A I know she's two years old; she was two years old the 24th day of this December past.
- Q Do you know what year that would make her born? A No, I don't exactly.
- Q How does it happen you remember the date of the birth of your child Alfred Vann and don't remember the date of the birth of any of the others? A Why, because after Lottie died--she named him--and so I just kept it in my head since as near as I could.
- Q You have made two affidavits in this case have you? A In the first affidavit I stated it just like this: when the man asked me the question he asked me if I knew exactly when Lottie died. I told him I don't know whether it was 1902 or 1903; I wouldn't be positive about it until I went home and looked on the book.
- Q What book was that? A Book what we had here the day she died and the day he was born, the time he was born. We put it down, and I wasn't positive was it 1902 or 1903 and I didn't say for certain.

By Mr. Veasey:

- Q Do you know how old this child Alfred of yours was when Lottie died? A Why he was from March to May, it would be two months old wouldn't it?

- Q You made an affidavit before Mr. Elliott did you not in this matter? A We made one?
- Q Yes, the second affidavit; you made one before a woman didn't you, the first one? A Yes, that's the one I am telling you about now. This man asked me--he asked me like this: Did I know when Lottie Bean died. He asked where was I when Lottie was sick. I told him I lived there and he asked when she died and I said I don't know whether it was 1903 or 1902.
- Q Did you know when you made this affidavit before Mr. Elliott that Alfred was born in 1902? That was the last affidavit you made, the last one, not the first one, but the last one?
- A No sir, I never stated he was born in 1902. Just like I am telling you, when this woman asked me I told her I didn't know when she died, in 1902 or 1903; this girl I told her I wasn't positive.

Witness excused.

Malinda Bean being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q State your name? A Malinda Bean.
- Q Your age? A Thirty-three.
- Q Post office address? A Chelsea.
- Q Have you been sworn as a witness? A Yes sir.
- Q Where do you live? A I live right close to John Sharps.
- Q Are you a married woman? A No sir, widow of Andrew Bean.
- Q Widow of Andrew Bean? A Yes sir.
- Q What relation was Andrew Bean and Lottie Bean? A Sisters and brothers.
- Q Brother and sister? A Yes sir.
- Q When were you married to Andrew Bean? A I don't remember just exactly when we were married. We were married on Grand river, that is, Rock Creek.
- Q You of course were acquainted with Lottie Bean? A Yes sir.
- Q How long had you been acquainted with her before her death?
- A About seven or eight years.
- Q Where did she live at the time of her death? A She stayed there with I at the old place; we stayed all together there.
- Q Were you living with her at the time of her death? A She lived with me and her brother. Me and Andrew was married then.
- Q Who else, if anyone, was living with you in the house at the time of her death? A Rufus Vann and Mrs. Vann here.
- Q Mrs. Bean how long had Lottie Bean lived with you and your husband at the time of her death? A How long had she?
- Q Yes? A She lived with us--well, Andrew raised her; that was her home.
- Q How long was she sick before her death? A I couldn't remember.
- Q Have you some idea? Weeks or months? A No sir, I don't. I don't know how long she was sick.

- Q Was Rufus Vann and his wife living there with you and Lottie Bean when either of their children was born? A They got one little boy was born at my house.
- Q He was? A Yes sir, Alfred.
- Q Alfred? A Yes sir.
- Q Can you tell us when that child was born? A I can tell the month. He was born in March. It been born in March and Lottie Bean died in May.
- Q Of the same year? A Yes sir, same year, 1903.
- Q 1903? A Yes sir.
- Q How do you know that it was 1903? A Because I gave possession for Mr. Most in that following January. She died in May and in January, the next New Years, we gave possession to Mr. Most and moved to the place where we live now and have put in four crops. The first one we tended ourselves; the next year my nephew tended it and the next year my boy tended it and this last year my nephew and other nephew and my boy tended to it.
- Q And it is your belief and understanding that Lottie Bean died in 1903? A Yes sir, the 8th of May.
- Q Now what makes you think that it was not in 1902? A Because she died in May and we moved that following New Years, the 1st of January, that's why I know, and we have made four crops up there already.
- Q Who named this baby that was born there? A Lottie Bean she named it.
- Q Now Mrs. Bean do you know whether there was any record made by Rufus Vann or Ballie Vann of the date of that child's birth to your own knowledge? A No sir, I couldn't say for sure; I don't remember whether there was or not.

By Mr. Veasey:

- Q Mrs. Bean are you enrolled as a citizen? A Yes sir.
- Q Do you read and write? A Yes sir, I can read and write a little bit.
- Q When were you and Andrew Bean married? A I can't remember just when.
- Q About how many years have you been married? A Well, I don't know sir to tell the truth about it.
- Q Have you any children? A Yes sir, I got one child. My little boy is now eight years old.
- Q How old? A Eight years old.
- Q Where were you and Andrew Bean living when this child of yours was born? A We was living over there.
- Q On the Bean farm, the old place? A Yes sir.
- Q Did you and Andrew live on the old place during your entire married life? A Yes sir--not the whole entire.
- Q Until the death of Lottie at any rate? A Yes sir.
- Q When did you say that Rufus Vann and his wife came to live with you? A Don't remember.
- Q Don't remember the year? A I don't know whether they stayed there a year or not. They were there in 1903 when Lottie Bean was sick and when she died.
- Q Didn't they make a crop on the place the year that Lottie died? Didn't Rufus make a crop on the Bean place the year that Lottie died? A I don't know whether he did or not.

- Q Who did farm the place the year that Lottie died? A I don't remember who did.
- Q Andrew ever farm the place himself? A Yes sir, several times himself.
- Q Did Rufus Vann ever farm the place? A I think he worked there one year. He was living there with us. I think he did help with the crops.
- Q He and his wife were there just one year were they?
A I don't remember just how long.
- Q Do you remember how long they were there before Lottie died?
A They gave possession before we did, and we gave possession the last of December to Mr. Most.
- Q You know Henry Montgomery do you not? A Yes sir.
- Q Do you know where Henry Montgomery was living when Lottie died?
A I think down there at the old place where Capt. Hicks lives.
- Q He was at the funeral was he not? A I think so.
- Q You know Jesse Williams do you not? A Yes sir, I know Jesse Williams.
- Q Were you living on the old place when Jesse Williams moved into the Capt. Hicks place? A I don't know sir, whether I was or not.
- Q As a matter of fact wasn't that after you had given possession?
A I don't know; I can't remember just when it was, not paying any attention to it.
- Q How do you know that it was in the year following May, 1903, that you surrendered possession of the place to the Most Family?
A 1903 was when she died and 1904 in that following January we gave possession.
- Q How do you know that? A Because we made four crops where we are now.
- Q That is, you made the crop of 1907, 1905, 1905 and 1904?
A 1904, 1905, 1906, 1907, and of course this next spring we expect to make another.
- Q Where did you make the crop of 1903? Where did Andrew make that crop? A Down there.
- Q You are absolutely sure? A He was home because that's when Lottie Bean died in 1903.
- Q Do you swear that Andrew Bean lived on the old Bean farm, and you with him, and that he made a crop on this place in the year 1903? A I don't know about the crop part of it, but we lived there, because that was during Lottie's death.
- Q You lived there in 1903? A Yes sir, because that's when she died, the 8th day of May, 1903.
- Q How does it happen that you remember the date of Lottie's death, the date of the birth of this child and the year you were on the Bean place, and cannot remember when you married or any other of these questions that I have asked you about? A I just don't remember just when it was of course. I could call it back.
- Q Lottie Bean left a little child did she not? A Yes sir.
- Q And you married a brother of Lottie Bean? A Yes sir, Andrew Bean.
- Q That's the only interest you have in this controversy?
A Yes sir, I guess.

Witness excused.

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Andrew Riley being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q State your name? A Andrew Riley.
Q Your age? A Sixty years old.
Q And post office address? A Alluwe.
Q Have you a profession? A Yes sir.
Q What is it? A Preacher.
Q How long have you been a minister of the gospel, Reverend?
A About nine years.
Q Did you know Lottie Bean in her lifetime? A Yes sir.
Q Was she a member of your congregation or church? A She was a member of the congregation.
Q Do you know of the event of her death? A I remember of her death.
Q Now was you at her funeral? A Yes sir.
Q Either at the house or at the cemetery? A I was at the house the night they sat up with her corpse, and conducted services at the house.
Q Do you know when that was? A I doesn't just remember, just what year, but as well as my memory serves me it was in 1902 or 1903, as near as I can remember.
Q Now how long had you been acquainted with Lottie Bean before she died? A Acquainted with her all her life.
Q Who lived with her when she died? A Her brother Andrew Bean, his wife, and Rufus Vann and his wife was living there.
Q Now uncle do you know whether or not one of Rufus Vann's children was born while he lived with Lottie Bean there? A Seems that I remember that he had a child born while he was staying there.
Q Do you know what year Rufus moved there? A No sir.
Q Or the year that he moved away? A Couldn't say the year that he moved there and couldn't say positive the year that he moved away.

By Mr. Veasey:

- Q You are pretty familiar with the neighborhood in which Lottie died, with the people who lived around there? A Yes sir.
Q Do you know Henry Montgomery? A Yes sir.
Q Do you recall that he lived on what is now called the Capt. Hicks place at the time that Lottie died in the immediate neighborhood of the old Bean place? A I know that he lived there, but I don't remember whether he was living there just at the time of her death or not.
Q You don't recall that? A No sir.

Witness excused.

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John Martin being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q State your name? A John Martin.

- Q What is your age? A About forty.
- Q And your post office address? A Chelsea.
- Q Did you know Lottie Bean in her lifetime? A Yes sir, I did.
- Q Do you know where she was living at the time of her death?
- A Yes sir.
- Q Where? A Living on Panther Creek about five miles or six from here.
- Q Who was she living with, John? A She were living in the house with her brother and Rufus Vaun if my memory serves me right on that point.
- Q Do you know when Lottie Bean died? A Well now that's what's got me; I aint positive whether it was in May, 1903 or not, but I think it really was 1903.
- Q What makes you think it was in 1903, John? A I had my youngest child was born in March, the 7th, 1902, and the next year that woman died, if my memory serves me right, and then another thing, my brother's wife died the same year that my child was born in.
- Q Was that Vinita Martin? A Yes sir, she died in October, 1902. And then the next year this Lottie Bean, if my memory serves me right, she died. Another thing, if I mistake not, Montgomery moved to Lightning Creek in 1902 or 1903 -- 1903; and then there was a preacher that stayed to my house that attended the funeral.

By Mr. Veasey:

- Q Are you a freedman citizen, John? A Yes sir, claim to be.
- Q Have you been enrolled? A I was, but not this time.
- Q You were rejected? A Yes sir.
- Q Do you read and write? A Little, yes sir.
- Q Do you know anything about this child which Lottie Bean left?
- A Why yes sir, I know her.
- Q Are you related to the Martin that's supposed to be the father of that child? A Brother.
- Q Where were you living in the year 1902? A 1902, living out here about four miles from here.
- Q How far was that from the old Bean homestead? A About two miles and a little over a quarter I guess, northwest.
- Q You remember when they voted for the Cherokee treaty do you not?
- A No sir.
- Q Didn't you vote at that election to ratify the treaty? A I don't understand what you have reference to.
- Q Don't you remember some years ago, five or six years ago, to decide whether or not they would allot the lands? Don't you remember voting on that measure? A I don't remember it.
- Q You don't remember of hearing of it at all? A I remember hearing of it now, but don't remember voting on it.
- Q How long have you been living where you are now? A I have been living there about sixteen years.
- Q At the same place? A Yes sir.
- Q Now repeat to me how it is that you know or think that Lottie Bean died in 1903 instead of 1902? A Well, my child, as I told you, my youngest baby was born in March, 1902, and the next year, if my memory serves me right it was the next year that that girl died; next year after my child was born.
- Q Was your child born before Vinita Martin died? A I think she was born after Vinita died; I think she was.
- Q Do you remember what year it was Vinita died? A October, 1902, and my girl was born in March.

- Q 1902? A 1902 I think it was.
- Q Will you swear positively that Lottie Bean died after Vinita Martin? A Well I tell you I wouldn't be positive, but I think she did. I wouldn't be positive, but that's the only remembrance that I have to it. I think that Lottie died since Vinita died.
- Q Will you swear positively that Lottie Bean died in May, 1903?
- A As I tell you, I wouldn't be positive, but if my memory serves me right I think it was in 1903. I wouldn't be positive in the matter.
- Q Do you remember the deaths of any other colored people around in your neighborhood about that time? A Let me see - now my brother died then, he got killed rather. I want to be right in what I speak. I don't aim to tell no lie for no one. My brother got killed in August then, 1904, in Colorado, after this Lottie Bean died. In August he got killed and was shipped from Colorado here.
- Q Was he killed a year after Lottie died? A I think it was about a year, something like that, somewheres close to it.
- Q Did you attend the funeral of Lottie Bean? A No sir, I did not.
- Q Were you present at her bedside about the time she died?
- A No sir.
- Q Were you around in that neighborhood about that time?
- A Lived in that neighborhood. I went to see her once while she was sick.
- Q Don't you know as a matter of fact that Henry Montgomery was living on the old Capt. Hicks place when Lottie died?
- A I believe, I wouldn't be positive, but I think Montgomery moved in the fall, if I don't mistake. He might have been living there after she died, but I think that she died in the spring and he moved in the fall, if I mistake not.
- Q At any rate he was living there when she died? A To the best of my recollection I think he was living there.

Witness excused.

Al Martin being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testified as follows:

By Mr. Riddle:

- Q State your name? A Al Martin.
- Q Your age Al? A Twenty-seven years old.
- Q Your post office address? A Chelsea.
- Q Have you made any affidavits in connection with this matter--the death of Lottie Bean? A No sir.
- Q Are you a brother of John Martin who has just left the stand?
- A Yes sir.
- Q Were you acquainted with Lottie Bean in her lifetime, Al?
- A Yes sir.
- Q How long had you known her? A I had known her ever since she was quite small, I don't know.
- Q Do you know where she was living at the time of her death?
- A Yes sir.
- Q Where? A About three miles and a half or four miles northwest of here.

- Q Did you see her during her sickness? A Yes sir.
- Q Who was she living with? A Well she was living with her brother and her sister-in-law.
- Q Andrew Bean? A Yes sir.
- Q Who else lived at their house? A I don't remember. I don't remember who were living there.
- Q Do you remember the event of her death? A No, not in particular. I remember that she died; don't remember any particulars about it; remember she died in '93 because my brother's wife died in '92.
- Q Now is it '92 or 1902? A 1902.
- Q Do you want your testimony corrected to 1903 and 1902? A Yes sir, 1902 and 1903. What makes me so positive she died in '93 because my brother's wife died in 1902 and she died the next May.
- Q Was you at her funeral? A No sir, I helped dig the grave.
- Q Do you know what physician attended her in her last sickness?
- A The last one I don't know; only know Doctor Bone; didn't know of no other.
- Q Do you know where the coffin was purchased? A No, I don't know positive, I think here in Chelsea.
- Q Do you know who got it? A No sir.

By Mr. Veasey:

- Q Are you a freedman citizen of the Cherokee Nation? A Supposed to be.
- Q Rejected are you? A Yes sir.
- Q What kin are you to Fred Martin? A Brother.
- Q Fred Martin is the supposed father of the child that Lottie Bean had and left is he not? A Yes sir.
- Q That's the interest you have in this matter: the child is your niece is she not? A Yes sir, said to be.
- Q Where were you living in 1902? A Where I am living now, about three and a half miles west of here.
- Q Were you present the night that Lottie Bean died? A No sir, I wasn't.
- Q You know Henry Montgomery do you not? A Yes sir.
- Q Wasn't he living on what is called the Capt. Hicks place at the time that Lottie died? A At the time she died, I don't remember whether he were or not.
- Q Do you know who made the crop on the Bean farm the year that Lottie died? A Well, I wouldn't be positive but I think he did.
- Q Who made the crop on the year following Lottie's death, on that farm? A He did I think.
- Q Who? A No, I aint sure whether him or a man by the name of Most.
- Q When did you say your brother's wife died? A In 1902.
- Q Which brother was she the wife of? A Fred.
- Q What time of the year did she die? A In August.
- Q Was that before or after Lottie Bean died? A That was before she died.
- Q How do you know? A Well, what makes me know--why because they had a picnic out there in '92, I think in July, a corner stone laying, and I went for her sister up on Lightning Creek, and they wanted to have a dance up to Lottie's after that and she wouldn't let them have it and they went to my brother's house.

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- Q How do you know that was in 1902? A Just going by the year the corner stone laying was, and it's on the rock right now--1902.
- Q Will you swear that Lottie Bean died in May, 1903? A No, I wouldn't swear it because I am not positive.

Witness excused.

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Riley Curls being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q State your name? A Riley Curls/
- Q Your age? A Thirty-seven.
- Q Post office address? A Chelsea.
- Q Riley were you acquainted with Lottie Bean in her lifetime?
- A Yes sir.
- Q How long had you known her? A Well, about all of her life.
- Q Where were you living at the time of her death? A Well sir, I lived right north of her about half a mile.
- Q Did you see her during her last sickness? A Yes sir.
- Q Were you at her funeral? A Yes sir.
- Q Do you know when she died? A Well, I think I do.
- Q Well when do you think it was? A Well sir, I think it was in the spring of 1903 to the best of my judgment.
- Q Now what makes you think it was in the spring of 1903?
- A Well sir, I have no real reference; I was working at the time for a man by the name of W. A. Crawford, he lives here in Chelsea now, and I think that was the spring that I worked for him, 1903. I know I was working for him when Lottie died.

By Mr. Veasey:

- Q Are you positive and do you so swear that Lottie Bean died in May, 1903? A No sir, I wouldn't swear it positive; that's my best judgment.
- Q She may have died in May, 1902, so far as your recollection goes?
- A Yes, she could have died in 1902. I was right there when she died, but I am not right positive about the time.
- Q You know Henry Montgomery, Riley? A Yes sir.
- Q Isn't it true that Henry was living on the place right within sight of the old house when she died? A Well, I know where Henry lived and I know this much that Henry either was living there or hadn't been long since he did live there; I don't remember the year he moved, but I think that he was living there at the time that Lottie died.

By Mr. Rossen:

- Q Do you know Fred Martin? A Yes sir.
- Q What was his wife's name? A Vinita.
- Q When did she die? A Well sir I think it was the fall before Lottie Bean died.
- Q Are you sure about that? A No, I am not positive enough to

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- really say I am sure of it, but it really seems to me that Fred Martin's wife died in the fall and Lottie the following spring.
- Q It is your best recollection that Vinita Martin died before Lottie Bean? A Yes sir.

By Mr. Veasey:

- Q Riley isn't it true that you testified as a witness in a contest case between Trent and Dodson, as administrator of the estate of Lottie Bean? A Yes sir.
- Q Didn't you testify at that time that you were present in Chelsea when a conversation occurred between Dodson and Sandy Bean in the fall of 1902, in which Sandy Bean asked Dodson to procure some land as an allotment for Lottie Bean? A Well now I don't know about that. I don't remember whether I said 1902 or when, but I were present I know.
- Q You don't remember what your testimony was before the Commission at that time? A No sir.
- Q It might have been 1902 or 1903? A It might have been. Whatever it was at that time is the way it was. It was fresh in my memory at that time. I don't remember what year I said. I know I was here though.

Witness excused.

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J. J. Gaskey being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q State your name? A J. J. Gaskey.
- Q Residence? A Chelsea.
- Q What is your age? A Forty-one.
- Q How long have you lived in this vicinity? A Seventeen years.
- Q Mr. Gaskey did you know Lottie Bean in her lifetime? A Well sir, I couldn't say I was personally acquainted with her. I saw a person they told me was Lottie Bean.
- Q When did you last see her? A Well, the last I recollect seeing her was in Claremore to the best of my recollection now.
- Q When? A I couldn't swear the exact date, Mr. Riddle, but since the land office opened at Vinita.
- Q The winter it opened at Vinita? A Yes sir, winter of January, 1903.
- Q What was the occasion of you seeing her at that time Mr. Gaskey?
- A Well, there was a crowd of us talking at the depot, I think, there at Claremore and she were present, this woman, supposed to be Lottie Bean, and she was talking and something was said in regard to her allotment or citizenship.
- Q What is your business here? A Liveryman.

By Mr. Veasey:

- Q Do you say you did or did not know Lottie Bean during her lifetime? A Well, I say this: that I can't say positive that I saw her; I saw a person supposed to be Lottie Bean; they told me it was Lottie Bean; that was the impression left on me at Claremore.
- Q You didn't know that the person pointed out to you was actually Lottie Bean did you? A No sir, I couldn't swear that, but as I said to Mr. Riddle I said "Who is this?", she was talking there about her allotment or citizenship, and I said "Who is that darkey?" and someone said "you ought to know her, it is Lottie Bean"; that's the way it came to me.
- Q What time of the year did you say? A I couldn't state the date my friend, to be positive.
- Q Do you know anything about the death of Lottie Bean? A I do not.
- Q Do you know you made an affidavit which is on file with the Commission here stating positively that Lottie Bean died on or about the 8th day of May, 1903? A That affidavit was presented to me as I said, down here on the fair grounds.
- Q Was it read to you? A Well, I wouldn't say positive whether it was all read to me or not; gentlemen I can't say.
- Q Mr. Gaskey are you in the habit of making affidavits setting forth positive statements without knowing what they contain?
- A No sir, but it came up in this way: Some parties wanted to come to town -- and they said here is the affidavits I want you to sign about Lottie Bean; said "did you see her in 1903" and I said "I saw a woman at Claremore in 1903."
- Q You didn't know then that you were making affidavit to the effect that Lottie Bean died on the 8th day of May, 1903, and that you had personal knowledge of it? A No gentlemen I wont say that I knew that for I don't recollect it being read to me that way, that she died on that certain day of May, 1903. Is it the 8th of May?
- Q Do you say it was read to you? A I say I didn't understand that part of it. I was running a hack to the grounds this time I signed it and I was in a hurry, and as I recollect I saw this party at Claremore; she was talking there about someone trying to beat her out of her allotment or citizenship, since the land office opened up there.
- Q How old a looking woman was Lottie Bean? A Gentlemen I can't answer that question for I didn't pay but little attention.
- Q Can't you tell approximately? A If I am not mistaken, she looked to be -- I can't say she was middle-aged lady; I paid little attention to that part of it. Someone made the remark: "There's another darkey in trouble about their allotment or citizenship."
- Q Will you swear that you saw Lottie Bean at Claremore after the land office opened in January, 1903? A As I said a while ago, this party was shown to me as Lottie Bean, but I couldn't swear positive it was her.

By Mr. Rosson:

- Q Are you a Cherokee citizen? A No sir.
- Q Is your family? A Yes sir, my wife is a citizen and have a little boy that's a citizen.

- Q Did you know that the Commission had several appointments at Vinita at different times in regard to the enrollment of Cherokee citizens before the land office opened at Vinita? Did you know that to be a fact? A Yes sir, the Dawes Commission.
- Q Did you know that they had several appointments there? A Never been before them in my life; told that they had an office there and saw people going there to the office, but never was before them myself sir.
- Q Could that have been a trip that Lottie Bean was making to Vinita to appear before the Commission at one of its appointments there instead of appearing before the land office? A She wasn't at Vinita.
- Q You said you saw her going up there? A No sir, I beg your pardon. I said I saw her in Claremore, friend.
- Q How can you connect the occurrence of having Lottie Bean pointed out to you with the opening of the land office? A The simple fact, sir, that I had a contest--if you will allow me to explain it sir, my wife filed for herself and child on some land when the land office first opened, the 15th day of January, at Vinita, and this one D. G. Elliott contested me. And this subject came up and there were some niggers there and they were talking at the depot in Claremore and this nigger made some remark about being beat out of her allotment or citizenship and I made the remark: "Who is that?" and I heard Elliott's name used and I said "Is that someone else Elliott is trying to skin out of their allotment?" and some one said that's Lottie Bean. That's the best of my knowledge on it and that's the way it was; that's how come this land office to be connected with it sir, exactly.
- Q Was Lottie Bean involved in any way in this contest in which your wife was interested? A No sir.
- Q Well do I understand it that you fix the time of having Lottie Bean pointed out to you by reason of the fact that your wife had been involved in contest? A That I had her pointed out to me?
- Q That you fix the time she was pointed out to you because your wife had been involved in contest? A Why I couldn't say I fix the time. I asked who this darkey was and they said Lottie Bean, to the best of my knowledge now gentlemen, and that's how it came up; she was there at Claremore.
- Q Were you living at Claremore? A No sir, Bushyhead.
- Q Did you ever have the person who was supposed to be Lottie Bean pointed out to you more than once? A Couldn't say that I have sir.

Witness excused.

C. W. Purdy being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q You may state your name? A C. W. Purdy.
- Q And your age? A Forty-one.
- Q Post office address? A Chelsea.
- Q What business are you engaged in Mr. Purdy? A Why I am in the farming business; also have been in the store business up until the last year.

- Q Where? A About seven miles northwest of Chelsea.
- Q How long were you in the mercantile business at that place?
- A About six years.
- Q How far was that from a farm known as the Andrew Bean farm?
- A That was two miles and a half I suppose north.
- Q Did that family trade with you? A Why some, yes.
- Q Were you acquainted with Lottie Bean in her lifetime? A Yes sir, a little; seen her a few times.
- Q Were you acquainted with Andrew Bean now deceased? A Yes sir.
- Q And with his wife? A Yes sir.
- Q You may state if you remember of the event of Lottie Bean's death. Do you remember of the event of her dying? A Yes sir.
- Q Where did she die? A I couldn't tell you that exactly.
- Q Now you may state when she died if you know, Mr. Purdy, and why you know? A Well, she died I think the year of 1903 in the spring between the first of April and the first of June; sometime along in June. I didn't pay enough attention to it at the time. The reason that I know she died in 1903, in the fall of 1902-- I looked at my store books the other day--I was buying up a few calves and in the fall of 1902 I bought a calf from her.
- Q In the fall of 1902? A Yes sir.
- Q Now you may state whether or not in the summer or the fall of 1902 Lottie Bean was making her home with Mose Riley? A I couldn't say as to that. You see they change places so much I couldn't tell.
- Q Are you able to state positively that in the fall of 1902 you purchased this calf of Lottie Bean? A Yes sir.
- Q Did you make an entry of that at the time? A Yes sir.
- Q And you may state whether or not you have refreshed your memory with the memorandum of your business before you came to testify?
- A Yes sir.
- Q Where are these books Mr. Purdy? A At my store house.
- Q That's seven miles north? A Yes sir.

By Mr. Veasey:

- Q How long have you been in this country Mr. Purdy? A I have been here about - little over eleven years.
- Q How long have you been in the mercantile business? A Six years.
- Q Are you in the mercantile business now? A Well no, I have been closing out and haven't counted that I have been in for the last year.
- Q Were you in the mercantile business in 1902? A Yes sir.
- Q Were you in that business in 1901? A Yes sir.
- Q 1903? A Yes sir.
- Q You have testified that you don't know where Lottie Bean lived at the time of her death? A No sir, I don't.
- Q Do you recall that you made an affidavit on the 16th day of October, 1907, in which you positively swore that you did know where she lived when she died? A I don't recollect it. It's a hard matter to keep track of those people as far as that's concerned.
- Q I wish you would examine this signature please to this affidavit. Is that your signature? A Yes sir.
- Q You swore to it? A Read that.
- Q "Further states he was acquainted with one Lottie Bean, deceased, and knows of his own personal knowledge where she was living at the time of her death. She was living with her brother Andrew Bean." A Lived there part of the time with Mose Riley, and

- at the time of her death I don't know where she was.
- Q I am trying to get you to explain the contradictory statements you made under oath; can you explain that? What is your testimony now? That you knew where she lived or did not? A I don't know really where she lived when she died.
- Q You were in the cattle business in the fall of 1902? A Yes sir, I had a few cattle.
- Q Were you personally acquainted with Lottie Bean at that time? A I seen her several times there at the store.
- Q You knew who she was when you saw her? A Yes sir.
- Q How did it happen that you bought these cattle from Lottie Bean? A Her and Mose Riley came by my store going to Coffeyville and I bought it there.
- Q You didn't have to go to her place to see her about it? A No sir.
- Q How old did she appear to be then? A I couldn't tell you that.
- Q To your best recollection? A I couldn't tell when it comes into the niggers, some looks old and some young.
- Q Did she look to be older than sixteen years? A Yes.
- Q About how much older than sixteen years? A I couldn't tell you; she was a consumptive negro and didn't have much flesh to her.
- Q Have you an independent recollection of the fact that this was in the fall of 1902 that you bought this calf, independent of your records? A No.
- Q Why didn't you bring your store books with you to substantiate what you said? A I can get them.
- Q You knew you were to be a witness did you not? A No sir.
- Q How did you happen to come here? A Came to go to Vinita.
- Q Weren't subpoenaed or asked to be here at all? A No sir.
- Q When did you have occasion to look at your store books to ascertain the time you purchased this calf? A Three or four days ago; just looking over the books.
- Q Had you not also looked at the books in October when you made this affidavit? A I don't think I did.
- Q Then you made this affidavit as to the time that you bought this calf from your independent recollection? A I suppose so.
- Q Then you do have an independent recollection of when you purchased this calf aside from the books? A Yes I recollect buying the calf.
- Q Do you recollect about that time, independent of your books, of buying a calf from anyone else? A Yes sir.
- Q Who was it? A From Carter.
- Q Will you swear positively that Lottie Bean was living in the fall of 1902? A Yes sir.

By ~~the~~ Mr. Rosson:

- Q Did you go after the calf or send someone? A I sent my boys after the calf.
- Q With whom did you make the trade for the calf? A With Lottie Bean and Mose Riley.
- Q In this affidavit you stated that you went to her place and bought the calves and drove them off from her place? A Well, I might have made a mistake. I bought the calf at the store when they came by there, her and Mose Riley going to Coffeyville.

Lottie Bean 44

By Mr. Veasey:

- Q Your affidavit is to the effect that you know that Lottie Bean died at the home of Andrew Bean. You have testified this afternoon that you don't know where she died. What do you want your testimony to be upon that point? A I don't know which place she died. She stayed part of the time at Mose Riley's.
- Q Then you want to testify you don't know where she was when she died? A I don't know which place when she died.
- Q You testified in this affidavit that in the fall of 1902 Lottie Bean sold you some calves and that you went to her house and bought the calves and drove them from her place. Now in your personal testimony you say she sold the calf to you when you were at your store and when she and Mose Riley were on their way to Coffeyville. Which of these statements do you want to stand?
- A When they were on their way to Coffeyville.
- Q Was this affidavit read over to you Mr. Purdy? A I think it was.
- Q You also stated in one part of your testimony that you had an independent recollection of the purchase of this calf. Upon your direct examination you said the only thing you knew about it was that your records show you purchased the calf in the fall of 1902. Which of those statements do you want to stand?
- A Both of them. I told you I recalled buying the calf and recalled buying one of Carter.

By Mr. Rosson:

- Q Have you any interest in this case Mr. Purdy? A No sir.
- Q Either direct or indirect? A No sir.

Witness excused.

N. M. Smith being called as a witness and duly sworn by Jewell Clark, a notary public in and for Rogers County, Oklahoma, testifies as follows:

By Mr. Riddle:

- Q You may state your name? A N. M. Smith.
- Q Where do you live Mr. Smith? A Chelsea, Rogers County, Okla.
- Q How long have you lived in this vicinity? A About eighteen years.
- Q What official position do you held at this time, if any?
- A Well I am the Justice of the Peace of this township.
- Q You may state whether or not you were acquainted with Lottie Bean a Cherokee freedman citizen who lived north of this place before her death? A Well, I was only partially acquainted with her; knew her when I seen her.
- Q Were you acquainted with her brother Andrew Bean? A Yes sir, knowed Andrew.
- Q Were you acquainted with her father in his lifetime? A No sir, I don't know as I was.

- Q How far from this town did Lottie Bean live at the time of her death and for a while before? A She lived -- well, to go straight through -- I could give you the sections -- about four miles from here.
- Q What business, if any, have you been engaged in in Chelsea during the time you have resided here? A Well, I have been a clerk in a store and have been dealing in land and a great many things; couldn't tell you all hardly, but mostly for about fifteen years a clerk.
- Q In a general store? A Yes sir.
- Q What is your age? A Fifty-five, going on fifty-six.
- Q Are you an intermarried citizen of the country? A No sir, none whatever.
- Q Do you remember of the event or occasion of the death of Lottie Bean? A I can't, Judge, except in one way thing. As far as personally knowing of her death I don't. If you will let me explain I will do it. In the year 1903, along in the spring, I don't know what time it was, Andrew Bean came in here for a coffin. I had sold out my undertaking business to Mr. McIntosh at that time, but I had one coffin that had been carried over with Mr. Poole for years, I don't know how long, and Mr. Parkinson who is now in California he came to me and he jogged my memory and he said we can fix that coffin up, and I don't know whether it was for a woman or who, but he said for his sister, and we fixed it up and lined it; it was a pauper coffin; Poole carried it for years; and we fixed it up and he lined it and put cotton in the bottom and we charged \$9.75 for it.
- Q On what date was that? A I can't give you the date, but along in the spring, now either betwixt March or April.
- Q In what year? A In 1903.
- Q Andrew Bean to whom you sold it was the brother of Lottie Bean?
- A Yes sir.
- Q And who did he inform you the coffin was for? A Lottie Bean. Said his sister was dead; now that's all.

By Mr. Veasey:

- Q Were you ever associated with Mr. Poole in the undertaking business? A Yes sir.
- Q Until what time? A We had been together at that time--Mr. Poole--I think about 1902, the fall of 1902 we sold out to Mr. McIntosh. I think 1902, right along there, but he didn't carry this old stock. It was new stock. And this was the old stock that Mr. Poole had had before I went in with Mr. Poole, and it was a pauper coffin, unlined, and Mr. Parkinson lined it and we sold it.
- Q Are you positive that the undertaking business was sold to McIntosh in the fall of 1902? A I couldn't say positive, but I believe it was sir.
- Q You are positive in 1902? A I believe it is.
- Q Are you positive I say, that it was? A No. I can get the book that will give it, but I think we had sold out in 1902 or the early in 1903, right around there.
- Q Could it have been in 1901? A No sir, it couldn't.
- Q Now you say it was in the spring of 1903 when this coffin was turned over to Andrew Bean? A Yes sir, I say 1903, but I don't know if he's got another sister. I aint swearing who the coffin was for sir.

- Q You have no personal knowledge of when Lottie Bean died? A No sir.
- Q You don't know whether this coffin was intended for Lottie Bean or some other member of that family? A Well that's all he said.
- Q Where did Andrew Bean live at that time? A Two miles north and two miles west and one mile north.
- Q The old Bean place? A Yes sir.
- Q He was living on the old Bean place when he came to you for this coffin? A Yes sir.
- Q Do you know the Most boys just out of town here? A Yes sir.
- Q Do you know that they afterwards moved on the Andrew Bean place? A Yes sir, they lived there; their father did.
- Q If the boys swear that they moved onto the Bean place and made a crop there in the year 1903 would that have any effect on your statement? A I know about when they moved there, in 1903 that's right, but they plowed that land before they ever moved there. I drew up the contract.
- Q When? A About April 20, 1903, Andrew Bean moved off and the old man put up -- I drew the contract; I was a notary public then.
- Q Then if Lottie Bean died in May, 1903---? A I didn't say she died there. I say I don't know what time; some time in the early spring, I don't know when.
- Q At any rate, at the time they applied for this coffin to you Andrew Bean was living on the old Bean place? A Yes sir.
- Q And the death had occurred at that place? Well now here, hold on, I suppose it did, I don't know where, but I suppose he lived on the old Bean place.
- Q And I understand your testimony to be further, in April-----? A I didn't say April.
- Q Your testimony further is that in April, 1903, that the father of the Most boys, Chris Most, moved on the Bean farm? A Yes sir, about the 10th or 20th of April, I drew the contract for the lease.
- Q What makes you think that you sold this coffin in 1903 rather than 1902? A Well now I can't give you my idea about that, but it is this way: I know that in 1903 they came in here because I had sold my outfit of coffins to Mr. McIntosh in 1902, or right along there.
- Q Did Andrew Bean come to you for this coffin? A Yes sir, personally.
- Q Before or after the Most boys moved on that place? A I believe it was before, I am not positive now. I think it was before; I wouldn't be positive.
- Q You don't know what month Lottie Bean died do you? A No sir.
- Q The witnesses in this case testified it was in May? A I could not do it.
- Q If that be true and Most moved on there on Andrew Bean's place in April---? A I think he moved in April.
- Q 1903? A Yes sir.
- Q Then Lottie Bean must have died the year before? A Well, if you give me time I think I can give you the records of the very day. He might have moved the next day or the next month, but I drew up the contract as a notary public, and later on, a year or two, maybe three, they had some trouble.
- Q They all swear that Lottie died in May? A I am not swearing that.

Lottie Bean 47

- Q So it must have been May the previous year; you don't know the year then? A No sir, only in the spring or nearly spring.
Q Of one of those years? A Yes sir.

By Mr. Riddle:

- Q What you know is that you sold Andrew Bean a coffin for a person he said was Lottie Bean in the spring of 1903? A Yes sir.

By Mr. Veasey:

- Q Did he say Lottie Bean? A He said my sister is dead and I want a coffin. He came to me, and McIntosh had bought the coffins, and I told him I had this one.

Witness excused.

Mr. Riddle:

The administrator and the curator hereinbefore mentioned now shows that one of their witnesses, Doctor J. Wade Bone, who now resides at Sapulpa, Oklahoma, is absent; that the said witness had promised to attend this hearing and give his testimony; that he was expected to be present at this time and testify as a witness in this case; that we are uninformed as to why he is not here and we ask that the testimony in this case be not closed, but that the case be kept open for a period of one week and that upon a reasonable notice to the other parties interested in this case that the Honorable Commissioner receive the testimony of the said Doctor J. Wade Bone herein. We are informed, and believe, that if the said witness were present he would testify that he is by profession a physician and surgeon; that he lived at Chelsea, Oklahoma, during the years 1902 and 1903, and that he attended the said Lottie Bean in her last sickness and that the last visit he paid to her professionally was on April 30, 1903.

Mr. Veasey:

Attorney for the Cherokee Nation objects to the granting of a continuance herein for the following reasons: First, that there has been no such diligence shown in procuring the attendance of said Bone as would warrant the continuance for the taking of his testimony; Second, That the conflicting affidavits filed in this case upon the issues involved herein, sworn to by the witness Bone, indicate that his testimony if given would be without probative value in establishing the fact of the death of Lottie Bean.

Mr. Resson:

The objection of the attorney for the Cherokee Nation will be sustained and a motion for a continuance denied.

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

Albert G. McMillan

Subscribed and sworn to before me this 17th day of January, 1908.

My Commission Expires

7/3/1911

Harry Montague
Notary Public.

Cherokee Freedmen No. 1424.

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

In the matter of the application for the enrollment
of Lottie Bean as a Cherokee freedman.

O R D E R.

It is ordered that copies of letters received by the
Commission to the Five Civilized Tribes from D. G. Elliott, Nos.
9389- and 9835-1902; of letters addressed to D. G. Elliott under
dates of June 14, and 24, 1902, and to Rufus Vann under date of
June 4, 1902, and of an affidavit as to the birth of Alford
Vann, filed in Cherokee Freedmen case No. 375, be filed with
and made a part of the record in the matter of the application
for the enrollment of Lottie Bean as a Cherokee freedman.

J. G. Elliott
Commissioner.

Dated at Muskogee, Oklahoma,
this JAN 20 1908

Muskogee, Indian Territory, June 4, 1902.

Rufus Vann,
Chelsea, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of birth affidavit in the matter of the application of Alford Vann, the infant child of yourself and Sallie Vann.

The same is returned to you herewith for the reason that the records of this Commission fail to disclose that either you or your wife have ever been applicants for enrollment as citizens of the Cherokee Nation. If either of you have been enrolled you are requested to advise the Commission when, where and under what name said application was made. Also furnish us with the names of your parents and such other information as you may be able to obtain.

Please return the affidavit with the information requested.
Yours truly,

(Signed) Tams Bixby
Acting Chairman.

Encl. C-3.

No. 9389-1902.

Chelsea, Ind. Ter. June 9th, 1902.

Gentlemen:-

Inclosed you will find affidavit of Rufus Vann for enrollment of his child, I desire to call your attention to the inclosed letter written on the 19th, of May to me in regard this same party please explain this to me and return the letter and place this child on the role if she is entitle to same,

Yours truly,

(Signed) D. G. Elliott.

Cher. F. 395.

Muskogee, Indian Territory, June 14, 1902.

Mr. D. G. Elliott,
Attorney at Law,
Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 9th inst. enclosing an affidavit as to the birth of Alford Vann. From the information contained in your letter the Commission has been enabled to identify the parents of this child on its records.

When application was made for the enrollment of this child's mother, the Commission was informed that her name was Sallie Vann. In the caption of the affidavit her name appears as Sallie Vann, but in

the affidavit of the mother, as well as in the affidavit of the mid-wife, her name appears as Salley Vann.

If the correct name of Mrs. Vann is Sallie, it must so appear throughout the affidavit, which you will find enclosed herewith.
Yours truly,

(Signed) Tams Bixby
Acting Chairman.

Enc. C. 33.

No. 9833-1902.

Chelsea, Ind. Ter. June 17th, 1902.

Gentlemen:-

Inclosed you will find Affidavit and application ~~##~~ for enrolment of Alford Vann, and the changes made as requested in yours of the 14th,

Yours truly,

(Signed, D. G. Elliott.

Muskogee, Indian Territory, June 24, 1902.

D. G. Elliott,
Chelsea, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th inst. enclosing birth affidavit in the matter of the application of Alford Vann, the infant child of Rufus and Sallie Vann, for enrollment as a citizen of the Cherokee Nation. The affidavit has been filed.

Yours truly,

(Signed) T. B. Needles,
Commissioner in Charge.

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

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 letters received by the Commission to the Five Civilized Tribes from D. G. Elliott, No. 9389- and No. 9833-1902, and of letters addressed to D. G. Elliott under dates of June 14, and 24, 1902, and to Rufus Vann under date of June 4, 1902, and of an affidavit filed in the Cherokee Freedmen case No. 375 in the matter of the application for the enrollment of Rufus Vann, et al.

January 20, 1908.

(Signed) *J. G. Wright*
Commissioner.
DHB

Copy

Exhibit "A"

Abbott Ark.

Saturday 15, 1902.

Mrs Abbie Williams

Dear Wife

I received bouth of your letter and they fond me well. I am awfull sorry to hear that you were sick take good care of your self Baby and try and tuff it out I want to see you and the children as bad as you all want to see me. Baby I sent you four dollars last Monday on the 10, you go to the postoffice and ask for an redgerest letter and they will give it to you I went to the postoffice this evening and the post master said it had got there My cloths got here today, and I was glad to get them. Just as soon as I got your first letter I set down and answer it and sent you four dollars in it. I am awfull sorry to hear that Lottie is so sick. I wish Carry could come and stay with you dear I will be home as soon as I can I wanted to stay untill got enouth money to pay for my horse. I would like to hear Major say papa. Kiss Dorothy and him for me.

Well Dear this is all let me hear from you soon. I hope you will get the money I sent you.

Good by.

(Signed) Jessie Williams.

Jessie Williams

Endorsed on envelope as follows: Exhibit "A"

Addressed as follows:

Mrs. Abbie Williams

Chelsea, Ind. Ter.

Box 117.

Stamped as follows:

MEM. & WEATHERFORD R.P.O.
TR. 3, 20 Apr 1902.

(Copy)

COPY

Exhibit "B"

Wednesday

Chelsea, I. T.

April 23, 1902.

Mr. Jessie Williams:-

My Dear husband

I received your kind and loving letter yeasterday and was glad to hear from you. I got your other letter and answered it I guess you have got it by now. We are all very well Dorothy has a bad coal, and O Jess Major has got 2 teeth I found them Monday, he is as fine as he can be..

Lottie is lingering along they expect her to die any time Vinita is sick and Dr. Bone says she has the consumption she looks offel bad, every body else is well as far as I know.

Tona has not come home unless he came last night. Papa will get through planting corn tomorrow. Everybody wants to see you I will be so glad when you come home the children wants to see you.

Well I have not got anything else to tell you. Be good and come home as soon as you can. I will close for this time. Love and kisses from your loving wife.

(Signed) Abie Williams.

(copy)

Exhibit "C"

No. _____	Chelsea, Ind.Ter., April 3, 1903.
THE FIRST NATIONAL BANK	
Pay to <u>W. H. Montgomery</u>	or order, \$10. ⁰⁰ / ₁₀₀
Ten -----	Dollars.
(Signed) John Madden.	

Stamped on face as follows:

P A I D
APR 8 1903
BANK OF CHELSEA
CHELSEA, I.T.

P A I D
APR 8, 1903
THE FIRST NATIONAL BANK
CHELSEA, IND. TER.

Endorsed on back as follows:

(Signed) W. H. Montgomery
" J. H. Johnson.

W.H.M.

[Handwritten Signature]

Cherokee Freedmen 1424.

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

In the matter of the date of death of Lottie Bean, whose name appears opposite No. 3889 upon the approved roll of Cherokee Freedmen. Cherokee Freedmen case No. 1424.

F I N D I N G S O F F A C T.

The records of this office show that on May 16, 1901, application was made to the Commission to the Five Civilized Tribes for the enrollment of, among others, Lottie Bean as a Cherokee freedman; that on March 5, 1904, the Commission rendered its decision granting the application for the enrollment of said Lottie Bean as a Cherokee freedman; that said decision was approved by the Department December 12, 1904 (I.T.D. 4340-1904), and that her name is included in a partial roll of Cherokee Freedmen approved by the Department April 19, 1905, opposite No. 3889.

The records further show that on March 12, 1907, there were filed affidavits executed by Sandy Bean as a relative, and C. W. Purdy as an acquaintance, showing the death of Lottie Bean on May 8, 1903, and it having been represented to the Commissioner that Lottie Bean died prior to September 1, 1902, and was not, therefore, entitled to be enrolled and receive an allotment of land as a Cherokee citizen, the case was set for hearing at Chelsea, Oklahoma, January 10, 1908, to determine the correct date of the death of Lottie Bean, of which hearing all parties at interest were duly advised, and in pursuance therewith, proceedings were had and the case taken under advisement.

There are filed herewith and made a part of the record herein copies of letters received by the Commission to the Five Civilized Tribes from D. G. Elliott, Nos. 9389- and 9833-1902, of letters addressed to D. G. Elliott under dates of June 14, and 24, 1902, and to Rufus Vann under date of June 4, 1902, and of an affidavit as to the birth of Alford Vann, filed in Cherokee Freedmen case No. 375.

From the evidence received it is shown that Lottie Bean died at the home of her brother, Andrew Bean, at the place known as the Andrew Bean farm. The testimony is conflicting as to the year in which she died, but it is admitted that she died May the 8th. It is conclusively shown that Andrew Bean moved from the so-called Andrew Bean place and gave possession thereof to one Chris Most and his family, said Most taking possession thereof in December 1902, or January, 1903, and cultivating the farm in 1903. It is also conclusively shown that one

Henry (W. H.) Montgomery lived on an adjoining farm known as the Capt. Hicks place when Lottie Bean died, and that he moved from said farm to the vicinity of Hayden, Oklahoma, in February, 1903.

The witnesses, W. H. Montgomery, Abbie E. Williams and Jesse Williams, swear positively that Lottie Bean died on May 8, 1902. On behalf of the applicant, Rufus Vann, his wife, Sallie Vann, and Malinda Bean, widow of Andrew Bean, deceased, a brother of Lottie Bean, testify that Lottie Bean died in May, 1903. They also testify that Rufus Vann and wife were living with Andrew Bean and said Malinda Bean, with whom said Lottie Bean also lived, on said Andrew Bean farm, at the time of the death of Lottie Bean, and that two months prior to Lottie Bean's death there was born to Rufus and Sallie Vann a child named Alford. Rufus and Sallie Vann testify that their child, Alford Vann, was born March 13, 1903, but this is shown by the evidence herein to be erroneous, as said child was born March 13, 1902, and its enrollment upon the roll of Cherokee Freedmen at No. 984 had received the approval of the Secretary of the Interior on December 23, 1902. It, therefore, appears that the testimony of these witnesses is corroborative of that of the other witnesses to the effect that Lottie Bean died in 1902, for the reason that, as stated, the Bean family was not living on the so-called Andrew Bean farm in 1903 and the child Alford Vann was not born in 1903 but in 1902.

Considering all the evidence introduced, I am of the opinion, and so find, that said Lottie Bean died May 8, 1902, and, therefore, is not entitled to be enrolled and receive an allotment of land as a Cherokee freedman under the provisions of the Act of Congress of July 1, 1902 (32 Stat., 716).


Commissioner

Dated at Muskogee, Oklahoma,

this January 21st

10312

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Andrew Bean,
Chelsen, I. T.
Cherokee F-D-315.
Register. ✓

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

mily

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY TO THE FOLLOWING

Cherokee Freedmen
D-313.

ALLISON L. AYLESWORTH,
SECRETARY.



Muskogee, Indian Territory, September 9, 1903.

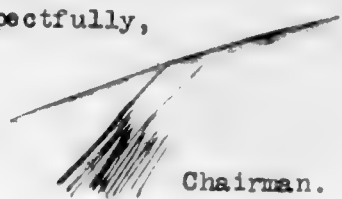
Andrew Bean,
Chelsea, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required as to your residence and that of your nephew, Henry B. Riley.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point mentioned.

Respectfully,



Chairman.

Cherokee Freedmen
D-313.

Muskogee, Indian Territory, April 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Andrew Bean for the enrollment of himself, his brothers and sister, Sandy, Rector and Lottie Bean, his nephew, Henry B. Riley, and his niece, Pearlie Martin, as Cherokee freedmen, including the Commission's decision, dated March 5, 1904, granting said application.

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

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-42.

Cherokee Freedmen
D-313.

Muskogee, Indian Territory, April 14, 1904.

Andrew Bean,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself, your brothers and sister, Sandy, Rector and Lottie Bean, your nephew, Henry B. Riley and your niece, Pearlie Martin, as Cherokee freedmen, together with a copy of the Commission's decision dated March 5, 1904, granting your said application.

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

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

Respectfully,

Register
Enc. D-41.

Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:

WASHINGTON. MAY 26, 1904.

Land.

25956-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated April 14, 1904, transmitting the record of the application of Andrew Bean for the enrollment of himself and his minor brothers and sister, Sandy, Lottie, and Rector Bean and his nephew, Henry B. Riley and the application of Lottie Bean for the enrollment of her child, Pearlle Martin, as Cherokee freedmen.

March 5, 1904, the Commission found that the applicants were entitled to enrollment as Cherokee freedmen.

April 9, 1904, the Cherokee Nation by their attorney, W. W. Hastings, protests against the decision of the Commission.

The evidence shows that the applicants were all born since February 11, 1867, and are the children and grandchildren of John, or Jack Bean, now deceased, who was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that the said John Bean was taken out of the Cherokee Nation during said war and that he returned to said Nation in the fall of 1866. The evidence further shows that the claimants were all

born in the Cherokee Nation and have resided therein to the present time.

The protest of the Cherokee Nation has been given careful consideration.

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

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MM

U

(COPY)

W. C. F.
Y. P.
THE

D. C. 48505-1904

DEPARTMENT OF THE INTERIOR,

I. T. D. 4340-1904.

WASHINGTON. DECEMBER 12, 1904.

LRS

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

Gentlemen:

April 14, 1904, you transmitted the record in the matter of the application of Andrew Bean (F. D-313), for the enrollment of himself, his brothers and sister, Sandy, Rector and Lottie Bean, his nephew, Henry B. Riley, and his niece, Pearlle Martin, as Cherokee freedmen, including your decision of March 5, 1904, granting said application.

The Cherokee Nation protests against your decision.

Reporting in the matter May 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

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

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedman
D-313.

Muskogee, Indian Territory, December 28, 1904.

Andrew Bean,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of yourself and your brothers and sister, Sandy, Rector, and Lottie Bean, your nephew, Henry B. Riley, and your niece, Pearlle Martin, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on December 12, 1904.

You are further advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee Freedmen and approved by the Secretary of the Interior.

Respectfully,

SIGNED:

Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
D-313.

Muskogee, Indian Territory, December 28, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Andrew, Sandy, Lottie, and Rector Bean, Henry B. Riley, and Pearlie Martin as Cherokee Freedmen was affirmed by the Secretary of the Interior on December 12, 1904.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

Vinita, Okla. December 11th, 1907.

Commissioner Five Civilized Tribes,
Muskogee, Oklahoma.

Dear Sir:-

Enclosed herewith find affidavits of Arthur Bean, Andrew Riley and Columbus McNair, and certified copies of the affidavits under the hand and seal of the County Judge of this County of Sandy Bean and S. M. Dodson all to be filed in connection with the matter of the citizenship case of Lottie Bean, deceased. The question of the date of her death arose in the Cherokee Allotment Contest proceeding, wherein Seymour Dodson is administrator of the estate of the said Lottie Bean, deceased, against _____, contestee.

Very respectfully yours,

(Signed) Riddle & Clapham.

Enc. 5

SR-MA.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, January 20, 1908.

Messrs. Riddle & Clapham,
Vinita, Oklahoma.

Gentlemen:

There is inclosed a copy of an order of the Commissioner of this date, making copies of certain documents a part of the record in the matter of the application for the enrollment of Lottie Bean as a Cherokee freedman, and also copies of such documents.

Respectfully,

JOR(LS)
Incl. 8-40

Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, January 20, 1908.

Mr. W. W. Hastings,
Tahlequah, Oklahoma.

Sir:

There is inclosed a copy of an order of the Commissioner of this date, making copies of certain documents a part of the record in the matter of the application for the enrollment of Lottie Bean as a Cherokee freedman, and also copies of such documents.

Respectfully,

JOR(LS)
Incl. S-41

Commissioner.

Cherokee Freedmen
D-313

Muskogee, Indian Territory, March 19, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Andrew Bean for the enrollment of himself, his minor brothers and sister, Sandy, Lottie and Rector Bean, his nephew, Henry B. Riley, and his niece, Pearlle Martin, as Cherokee freedmen.

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 the decision will be considered final.

Respectfully,

Enc. D-37.

DEMISS... PRO.

Cherokee
F 1424

Muskogee, Indian Territory, October 2, 1902.

W. M. Dodge, Administrator
of the estate of Lottie Bean,
Muskogee, Indian Territory.

Dear Sir:

There have been filed with this office certain affidavits, copies of which are enclosed herewith, showing that Lottie Bean, of whose estate you are the administrator, died prior to September 1, 1902. The act of Congress approved July 1, 1902, provides as follows:

"That no allotment of land or other tribal property shall be made to any person or to the heirs of any person whose name is on said (Cherokee) roll, and who died prior to the first day of September, 1902".

It appears from the records of this office that you have made application to select an allotment for the said Lottie Bean, and you are therefore notified that you will be allowed twenty (20) days from the date of this letter within which to show cause why the allotment made by you on behalf of the estate of the said Lottie Bean should not be set aside and cancelled; such showing to be made in the form of a written statement, supported by such affidavits as you may desire to introduce.

Respectfully,

Acting Commissioner.

W 2-1.
Register

Vinita, Indian Territory,

October 21, 1907.

The Honorable,

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

Dear Sir:

In reply to your letter of October 2, 1907, in Re Cherokee F. 1424, wherein you advise me that there has been filed with your office certain affidavits showing that Lottie Bean, of whose estate I am administrator, died prior to September, 1, 1902, and to which I am given Twenty days from the date of your letter within which to show cause why the allotment made by me on behalf of the estate of said Lottie Bean should not be set aside and cancelled.

In reply to your letter and as an answer to said matter I respectfully submit that the allotment of said Lottie Bean should not be set aside and cancelled,

FIRST, for the reason that said Lottie Bean is a duly enrolled Freedmen citizen of the Cherokee Nation and was such at the time said allotment of land was selected for her by me;

SECOND, because said Lottie Bean was alive on the First day of September, 1902, and did not die until the Spring of 1903.

I submit this as my answer and respectfully submit herewith in support of these statements the affidavits which you will find attached. These affidavits are not the affidavits of Freedmen alone who were well acquainted with the date of the death of said Lottie Bean, but include among them the affidavits of a number of very reputable white people, citizens of the vicinity in which Lottie Bean lived and died.

Respectfully submitted,

S. M. Dodson
Administrator of Estate of Lottie
Bean, deceased.

Cherokee Freedmen
No. 1424.
18474-1907.

Muskogee, Oklahoma, December 14, 1907.

Riddle & Clapham,
Vinita, Oklahoma.

Gentlemen:

Receipt is acknowledged of your letter of December 11, 1907, inclosing certain affidavits to be considered in connection with the date of the death of Lottie Bean. You will be advised of any further action taken in the case.

Respectfully,

JOR(LB)

Acting Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, December 14, 1907.

Mr. Andrew Bean,
Chelsea, Oklahoma.

Sir:

In connection with the right to an allotment of land in the Cherokee Nation of Lottie Bean, deceased, you are advised that a hearing will be had in the matter at nine o'clock A. M., on Monday, December 30, 1907, at Chelsea, Oklahoma, at which time any competent evidence may be introduced to determine the exact date of the death of said Lottie Bean.

All parties, who the records of this office show are interested in this case, have been advised hereof.

Respectfully,

Acting Commissioner.

JOR (LS)
Register

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, December 14, 1907.

Mr. S. M. Dodson,
Administrator of the estate
of Lottie Bean, deceased,
Chelsea, Oklahoma.

Sir:

In connection with the right to an allotment of land in the Cherokee Nation of Lottie Bean, deceased, you are advised that a hearing will be had in the matter at nine o'clock A. M., on Monday, December 30, 1907, at Chelsea, Oklahoma, at which time any competent evidence may be introduced to determine the exact date of the death of said Lottie Bean.

All parties, who the records of this office show are interested in this case, have been advised hereof.

Respectfully,

JOR (LS)
Register.

Acting Commission

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, December 14, 1907.

Mr. James A. Veasey,
Partlesville, Oklahoma.

Sir:

In connection with the right to an allotment of land in the Cherokee Nation of Lottie Bean, deceased, you are advised that a hearing will be had in the matter at nine o'clock A. M., on Monday, December 30, 1907, at Chelsea, Oklahoma, at which time any competent evidence may be introduced to determine the exact date of the death of said Lottie Bean.

All parties, who the records of this office show are interested in this case, have been advised hereof.

There are inclosed copies of affidavits filed by Messrs. Clapham & Riddle December 12, 1907. Copies of the other affidavits showing the date of the death of Lottie Bean in 1903, have heretofore been furnished you.

Respectfully,

JOP (LS)
Incl. S-7

Acting Commissioner.

Cherokee Freedmen
No. 1424

Muskogee, Oklahoma, December 14, 1907.

Mr. A. A. Davidson,
Muskogee, Oklahoma.

Sir:

In connection with the right to an allotment of land in the Cherokee Nation of Lottie Bean, deceased, you are advised that a hearing will be had in the matter at nine o'clock A. M., on Monday, December 30, 1907, at Chelsea, Oklahoma, at which time any competent evidence may be introduced to determine the exact date of the death of said Lottie Bean.

All parties, who the records of this office show are interested in this case, have been advised hereof.

Respectfully,

Acting Commissioner

JOR (LS)

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, December 14, 1907.

Messrs. Starr & Patten,
Vinita, Oklahoma.

Gentlemen:

In connection with the right to an allotment of land in the Cherokee Nation of Lottie Bean, deceased, you are advised that a hearing will be had in the matter at nine o'clock A. M., on Monday, December 30, 1907, at Chelsea, Oklahoma, at which time any competent evidence may be introduced to determine the exact date of the death of said Lottie Bean.

All parties, who the records of this office show are interested in this case, have been advised hereof.

respectfully,

Acting Commissioner.

JOR(LS)

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, December 14, 1907.

Messrs. Riddle & Clapham,
Vinita, Oklahoma.

Gentlemen:

In connection with the right to an allotment of land in the Cherokee Nation of Lottie Bean, deceased, you are advised that a hearing will be had in the matter at nine o'clock A. M., on Monday, December 30, 1907, at Chelsea, Oklahoma, at which time any competent evidence may be introduced to determine the exact date of the death of said Lottie Bean.

All parties, who the records of this office show are interested in this case, have been advised hereof.

Respectfully,

JOR(LS)

Acting Commissioner.

Cherokee Freedmen
#1424.

Muskogee, Oklahoma, December 23, 1907.

Mr. Andrew Bean,
Chelsea, Oklahoma.

Sir:

Referring to this office notice of December 14, 1907, advising you that the case involving the right of Lottie Bean to an allotment of land in the Cherokee Nation would be set for hearing at Chelsea, Oklahoma, on December 30, 1907, you are advised that the verbal request of the attorney for the Cherokee Nation for a continuance in the case has been granted, and said case will be called for hearing at Chelsea, Oklahoma, at nine o'clock A. M., on Friday, January 10, 1908.

All parties at interest have been advised hereof.

Respectfully,

JOR(LS)
Register

Acting Commissioner.

Cherokee Freedmen
#1424

Muskogee, Oklahoma, December 23, 1907.

Mr. S. M. Dodson,
Administrator of the estate
of Lottie Bean, deceased,
Chelsea, Oklahoma.

Sir:

Referring to this office notice of December 14, 1907, advising you that the case involving the right of Lottie Bean to an allotment of land in the Cherokee Nation would be set for hearing at Chelsea, Oklahoma, on December 30, 1907, you are advised that the verbal request of the attorney for the Cherokee Nation for a continuance in the case has been granted, and said case will be called for hearing at Chelsea, Oklahoma, at nine o'clock A. M., on Friday, January 10, 1908.

All parties at interest have been advised hereof.

Respectfully,

JOR(LS)
Register

Acting Commissioner.

Cherokee Freedmen
No. 1434.

Muskogee, Oklahoma, December 23, 1907.

Mr. James A. Veasey,
Bartles, Oklahoma.

Sir:

Referring to this office notice of December 14, 1907, advising you that the case involving the right of Lottie Bean to an allotment of land in the Cherokee Nation would be set for hearing at Chelsea, Oklahoma, on December 30, 1907, you are advised that the verbal request of the attorney for the Cherokee Nation for a continuance in the case has been granted, and said case will be called for hearing at Chelsea, Oklahoma, at nine o'clock A.M., on Friday, January 10, 1908.

All parties at interest have been advised hereof.

Respectfully,

Acting Commissioner.

JOF (LS)

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, December 26, 1907.

Mr. A. A. Davidson,
Muskogee, Oklahoma.

Sir:

Referring to this office notice of December 14, 1907, advising you that the case involving the right of Lottie Bean to an allotment of land in the Cherokee Nation would be set for hearing at Chelsea, Oklahoma, on December 30, 1907, you are advised that the verbal request of the attorney for the Cherokee Nation for a continuance in the case has been granted, and said case will be called for hearing at Chelsea, Oklahoma, at nine o'clock A. M., on Friday, January 10, 1908.

All parties at interest have been advised hereof.

Respectfully,

Acting Commissioner.

JOB(LS)

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, December 23, 1907.

Messrs. Starr & Patten,
Vinita, Oklahoma.

Gentlemen:

Referring to this office notice of December 14, 1907, advising you that the case involving the right of Lottie Bean to an allotment of land in the Cherokee Nation would be set for hearing at Chelsea, Oklahoma, on December 30, 1907, you are advised that the verbal request of the attorney for the Cherokee Nation for a continuance in the case has been granted, and said case will be called for hearing at Chelsea, Oklahoma, at nine o'clock A. M., on Friday, January 10, 1908.

All parties at interest have been advised hereof.

respectfully,

Acting Commissioner.

JOB(LS)

Cherokee Freedmen
No. 1424

Muskogee, Oklahoma, December 23, 1907.

Messrs. Riddle & Clapham,
Vinita, Oklahoma.

Gentlemen:

Referring to this office notice of December 14, 1907, advising you that the case involving the right of Lottie Bean to an allotment of land in the Cherokee nation would be set for hearing at Chelsea, Oklahoma, on December 30, 1907, you are advised that the verbal request of the attorney for the Cherokee nation for a continuance in the case has been granted, and said case will be called for hearing at Chelsea, Oklahoma, at nine o'clock A. M., on Friday, January 10, 1908.

All parties at interest have been advised hereof.

Respectfully,

JOB(LS)

Acting Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, December 23, 1907.

Mr. W. W. Hastings,
Attorneys for the Cherokee Nation,
Tahlequah, Oklahoma.

Sir:

Referring to this office notice of December 14, 1907, advising you that the case involving the right of Lottie Bean to an allotment of land in the Cherokee Nation would be set for hearing at Chelsea, Oklahoma, on December 30, 1907, you are advised that your verbal request for a continuance in the case has been granted, and said case will be called for hearing at Chelsea, Oklahoma, at nine o'clock A. M., on Friday, January 10, 1908.

All parties at interest have been advised hereof.

Respectfully,

Acting Commissioner.

JOR(ES)

Cherokee Freedmen

No. 1424.

Muskogee, Oklahoma, December 31, 1907.

Mr. James A. Veasey,

Chelsea, Oklahoma.

Sir:

As requested in your telegram of this date, there are
inclosed herewith ten blank forms of subpoena.

Respectfully,

JOR(LS)
Incl. S-20

Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, January 17, 1908.

Mr. W. W. Hastings,
Tallequah, Oklahoma.

Sir:

There is inclosed a copy of the testimony of January 10, 1908, taken at Chelsea, Oklahoma, in the matter of the enrollment of Lottie Bean as a Cherokee freedman.

Respectfully,

JM
Incl. 8-25

Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, January 17, 1908.

Messrs. Riddle & Clapham,
Vinita, Oklahoma.

Gentlemen:

There is inclosed a copy of the testimony taken at
Chelsea, Oklahoma, on January 10, 1908, in the matter of the
enrollment of Lottie Bean as a Cherokee freedman.

Respectfully,

LS
Incl. S-26

Commissioner.

SPECIAL.

Muskogee, Oklahoma, January 23, 1908.

Subject:
Transmits record and
decision in re Cherokee
freedman case of Lottie
Bean, deceased.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed the record of proceedings had in the matter of the date of death of Lottie Bean, whose name appears opposite No. 3889 upon the approved roll of Cherokee freedmen, together with the opinion of the Commissioner to the Five Civilized Tribes, dated January 23, 1908, holding that she died May 8, 1902, and, therefore, is not entitled to be enrolled under the Act of July 1, 1902, and to receive an allotment of land as a Cherokee freedman.

March 12, 1907, S. M. Dodson, administrator of the estate of Lottie Bean, deceased, appeared and filed an affidavit showing the death of Lottie Bean on May 8, 1903, and applied for the NW/4 of the SE/4 of the SW/4 of section 5, township 24 N., range 17 E., and the NW/4 of the SW/4 of the SE/4 of section 5, township 24 N., range 17 E., as a part of the allotment, exclusive of homestead, and the E/2 of the SE/4 of the

SW/4 and the SW/4 of the SE/4 of the SW/4 of section 5, township 24 N., range 17 E., as a homestead for said Lottie Bean, deceased, and instituted contest proceedings against its allotment, said land having been selected in allotment by other citizens. No certificate describing this land has been issued or deeds therefor prepared.

The approval of the finding of the Commissioner in this case is respectfully recommended, and it is also recommended that the practice heretofore adopted in similar cases be followed in this case and that the notation: "Died prior to September 1, 1902; not entitled to allotment," be placed opposite the name of Lottie Bean at No. 3889 upon the copies of the roll of Cherokee citizens retained by the Department and in the Office of the Commissioner of Indian Affairs, and that this office be authorized to make a similar notation upon the copies of said roll in its possession.

The above described land lies in a proven oil field, and this office is informally advised that oil wells located on land adjoining this on two or more sides are being pumped and thereby draining the oil from under this land. It is, therefore, respectfully recommended that the Department's action in this case be made special and that this office be

-3-

advised thereof at the earliest practicable date.

Respectfully,

JOR(LS)
Incl. 8-6.

Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, January 23, 1908.

Mr. S. M. Dodson,
Chelsea, Oklahoma.

Sir:

You are hereby advised that on January 22, 1908, the Commissioner found and decided that Lottie Bean, deceased, of whose estate you are administrator, died May 8, 1902, and is not entitled to be enrolled and receive an allotment of land as a Cherokee freedman.

The record of proceedings had in the case, together with the Commissioner's opinion, has this day been forwarded to the Secretary of the Interior for review and proper action.

Respectfully,

JOR(LS)

Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, January 23, 1908.

Mr. James A. Veasey,
Bartlesville, Oklahoma.

Sir:

You are hereby advised that on January 22, 1908, the Commissioner found, and decided, that Lottie Bean died May 8, 1902, and is not entitled to be enrolled and receive an allotment of land as a Cherokee freedman.

The record of proceedings had in the case, together with the Commissioner's opinion, has this day been forwarded to the Secretary of the Interior for review and proper action.

For your information, there is inclosed a copy of the Commissioner's opinion.

Respectfully,

JOR(LS)
Incl. S-7.

Commissioner.

Cherokee Freedman
No. 1424.

Muskogee, Oklahoma, January 23, 1908.

Mr. A. A. Davidson,
Muskogee, Oklahoma.

Sir:

You are hereby advised that on January 22, 1907, the Commissioner found, and decided, that Lottie Bean died May 8, 1902, and is not entitled to be enrolled and receive an allotment of land as a Cherokee freedman.

The record of proceedings had in the case, together with the Commissioner's opinion, has this day been forwarded to the Secretary of the Interior for review and proper action.

Respectfully,

JOR(LS)

Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, January 23, 1908.

Messrs. Riddle & Clapham,
Vinita, Oklahoma.

Gentlemen:

You are advised that on January 22, 1908, the Commissioner found, and decided, that Lottie Bean died May 8, 1902, and is not entitled to be enrolled and receive an allotment of land as a Cherokee freedman.

The record of proceedings had in the case, together with the Commissioner's opinion, has this day been forwarded to the Secretary of the Interior for review and proper action thereupon.

There is inclosed a copy of the Commissioner's opinion.

Respectfully,

JOR(LS)
Incl. S-8

Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, January 23, 1908.

Mr. W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Oklahoma.

Sir:

You are advised that on January 22, 1908, the Commissioner found, and decided, that Lottie Bean died May 8, 1902, and is not entitled to be enrolled and receive an allotment of land as a Cherokee freedman.

The record of proceedings had in the case, together with the Commissioner's opinion, has this day been forwarded to the Secretary of the Interior for review and proper action thereupon.

There is inclosed a copy of the Commissioner's opinion.

Respectfully,

JOR(LS)
Incl. B-9

Commissioner.

I.T. 6510-1908.

File 053.

February 7, 1908.

Subject:
Enrollment and allot-
ment right of Lottie
Bean, deceased.

The Honorable,

The Secretary of the Interior.

Sir:

On January 23, 1908, the Commissioner to the Five Civilized Tribes transmitted the record of proceedings, together with his report, in the matter of the date of death of Lottie Bean, whose name appears opposite No. 3889 on the approved roll of Cherokee freedmen.

The Commissioner held that she died on May 8, 1902, and consequently is not entitled to be enrolled under the act of July 1, 1902 (32 Stat. L., 716), or to receive an allotment of land as a Cherokee freedman.

On March 12, 1907, S. M. Dodson, administrator of the estate of Lottie Bean, deceased, appeared and filed an affidavit showing the death of Lottie Bean on May 8, 1903, and applied for the NW/4 of the SE/4 of the SW/4 of section 5, township 24 N., range 17 E., and the NW/4 of the SW/4 of the SE/4 of section 5, township 24 N., range 17 E., as a part of the allotment, exclusive of homestead, and the E/2 of the SE/4 of the SW/4 and the SW/4 of the SE/4

of the SW/4 of section 5, township 24 N., range 17 E. as a homestead for said Lottie Bean, deceased, and instituted contest proceedings against its allotment, said land having been selected in allotment by other citizens. No certificate describing this land has been issued or deeds therefor prepared.

While the evidence as to the date of Lottie Bean's death is very conflicting, it is shown by a preponderance of testimony and corroborative facts that she died on May 8, 1902.

The Office concurs in the recommendation of the Commissioner that his finding be approved and that the practice heretofore adopted in similar cases be followed in this instance, in that the notation,

Died prior to September 1, 1902;
not entitled to allotment,

be placed opposite the name of Lottie Bean at No. 3889 on the copies of the roll of Cherokee citizens retained by the Department and by this Office, and that the Commissioner be authorized to make similar notation on the copies of said roll in his possession.

Very respectfully,

(Signed) C. F. Larrabee

Acting Commissioner.

CRW-Y.

February 8, 1908.

APPROVED:

(Signed) Jesse E. Wilson

Assistant Secretary.

GAW

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

I.T. 6510-1908.

File 053.

February 15, 1908.

Subject:
Enrollment and allotment
right of Lottie Bean,
deceased.

Commissioner to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

There is enclosed herewith copy of Office letter of February 7, 1908, approved by the Department on February 8, in accordance with your recommendation of January 23, 1908, in the matter of proceedings as to the date of death of Lottie Bean, whose name appears opposite No. 3889 on the approved roll of Cherokee freedmen.

In pursuance of Departmental action, the following notation has been placed opposite the name of Lottie Bean on the copies of the roll in the possession of the Department and this Office:

Died prior to September 1, 1902;
not entitled to allotment.

You are requested to make similar entry opposite her name on the copy of the roll in your possession.

Very respectfully,

(Signed) E. F. Larrabee,
Acting Commissioner.

CRW-Y.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, February 21, 1908.

Mr. W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Oklahoma.

Sir:

You are hereby advised that on February 8, 1908, the Department concurred in the recommendation of this office and the Office of Indian Affairs in reference to the date of death of LITTLE BEAN, and authorized the placing of the following notation opposite No. 3382 upon the approved roll of Cherokee freedmen:

"Died prior to September 1, 1902;
not entitled to allotment."

For your information there is inclosed a copy of the Department's decision.

Respectfully,

JOB(LS)
Incl. S-5

Acting Commissioner.

Cherokee Freedmen

No. 1424.

Muskogee, Oklahoma, February 21, 1908.

MR. S. M. Dodson,

Chelsea, Oklahoma.

Sir:

You are hereby advised that on February 8, 1908, the Department concurred in the recommendation of this office and the Office of Indian Affairs in reference to the date of death of Lottie Bean, and authorized the placing of the following notation opposite her name at No. 3889 upon the approved roll of Cherokee freedmen:

"Died prior to September 1, 1902;
not entitled to allotment."

Respectfully,

JOR(LS)

Acting Commissioner.

Cherokee Freedmen

No. 1424.

INCJ 2-9
10K(P2)

Muskogee, Oklahoma, February 21, 1908.

JOR(LS)
Incl. S-6
Messrs. Riddle & Clapham,
Vinita, Oklahoma.

Acting Commissioner.

Gentlemen:

You are hereby advised that on February 8, 1908, the Department concurred in the recommendation of this office and the Office of Indian Affairs in reference to the date of death of Lottie Bean, and authorized the placing of the following notation opposite her name at No. 3889 upon the approved roll of Cherokee freedmen:

"Died prior to September 1, 1902;
not entitled to allotment."

For your information there is inclosed a copy of the Department's decision.

Respectfully,

JOR(LS)
Incl. S-6

Acting Commissioner.

Cherokee Freedmen

No. 1424.

Muskogee, Oklahoma, February 21, 1908.

Mr. James A. Veasey,

Bartlesville, Oklahoma.

Sir:

You are hereby advised that on February 8, 1908, the Department concurred in the recommendation of this office and the office of Indian Affairs in reference to the date of death of Lottie Bean, and authorized the placing of the following notation opposite her name at No. 3889 upon the approved roll of Cherokee freedmen:

"Died prior to September 1, 1902;
not entitled to allotment."

For your information there is inclosed a copy of the Department's decision.

Respectfully,

JOK(LS)
Incl. 8-7

Acting Commissioner.

Cherokee Freedmen
No. 1424.

Muskogee, Oklahoma, February 21, 1908.

Mr. A. A. Davidson,
Muskogee, Oklahoma.

Sir:

You are hereby advised that on February 8, 1908, the Department concurred in the recommendation of this office and the Office of Indian Affairs in reference to the date of death of Lottie Bean, and authorized the placing of the following notation opposite her name at No. 3889 upon the approved roll of Cherokee freedmen:

"Died prior to September 1, 1902;
not entitled to allotment."

Respectfully,

JOR(LS)

Acting Commissioner.

Cherokee Freedmen

No. 1424.

Muskogee, Oklahoma, February 21, 1908.

Mr. John W. Blue,
Vinita, Oklahoma.

Sir:

You are hereby advised that on February 8, 1908, the Department concurred in the recommendation of this office and the Office of Indian Affairs in reference to the date of death of Lottie Bean, and authorized the placing of the following notation opposite her name at No. 3889 upon the approved roll of Cherokee freedmen:

"Died prior to September 1, 1902;
not entitled to allotment."

Respectfully,

JOR(LS)

Acting Commissioner.

Cherokee Freedmen
No. 1424

Muskogee, Oklahoma, December 14, 1908.

Mr. W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Oklahoma.

Sir:

In connection with the right to an allotment of land in the Cherokee Nation of Lottie Bean, deceased, you are advised that a hearing will be had in the matter at nine o'clock A. M., on Monday, December 30, 1907, at Chelsea, Oklahoma, at which time any competent evidence may be introduced to determine the exact date of the death of said Lottie Bean.

All parties, who the records of this office show are interested in this case, have been advised hereof.

Respectfully,

Acting Commissioner.

JOF(LS)

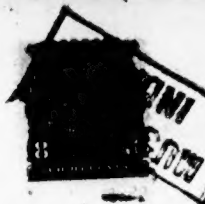
Department of the Interior.

Commissioner to the Five Civilized Tribes,

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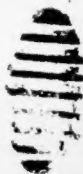


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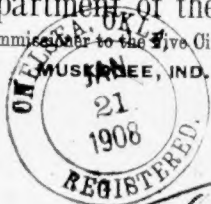
Mr. Andrew Bean,
Chelsea, Oklahoma.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

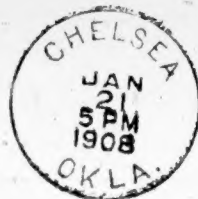
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Mr. Andrew Bean,
Chelsea, Oklahoma.



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