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# NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 312

CHEROKEE D494 - D604

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher D 494

Q You are Cherokees here are you not? A Yes, sir.
Do you know Lizzie Henderson here quale Andarson? A Yes, sir.
Did you know Jerry? A Yes, sir.
Did you know Lizzie Andarson? A Yes, sir.
Down to his death? A Yes, sir.
Was he ever married to any other woman than this one? A He never that I know of sir.
Q Would you have known it if he had been? A Yes, sir.
I have known him all the time, I guess I would have.
Q Did he always hold this woman out as his wife? A Yes, sir.
Q Have you known her ever since her husband died? A Yes, sir.
Q She has never married since then? A No, sir; not that I know of at all.

Witness excused.

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THE COMMISSIONER: The applicant establishes by her own and other personal testimony that she was married to her deceased Cherokee husband Jerry Henderson. He is identified on the roll of 1880 as a Native Cherokee. He died some seven years ago. It appears quite conclusive that he was never married except to this woman, and that they lived together as husband and wife until he died some seven years ago, and that she has not married since his death, and that she has continued to live in the Cherokee Nation ever since her marriage to him in 1867. She is not, however identified on the roll of 1896. For the further consideration of her application, her application will at this time be placed upon a doubtful card and she will be classed as a Cherokee by adoption.

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The stenographer, being sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October A. D. 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 2nd, 1900.

IN THE MATTER OF THE APPLICATION OF SUSIE HENDERSON FOR THE ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN.

The said Susie Henderson, being sworn and examined by commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name please. A Susie Henderson.
Q How old are you? A Thirty-two.
Q What is your post office? A Afton.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll, yourself? A Yes, sir.
Q Anybody else? A My daughter here, but then she is married though.
Q She can apply for herself then. Is that all? A Yes, sir.
Q Do you apply for yourself as a Cherokee by blood? A No, sir.
Q A white woman? A Yes, sir.
Q When were you married? A I was married in 1887.
Q To whom were you married then? A James Henderson.
Q Cherokee or white man? A A Cherokee.
Q Is he dead or alive? A He is dead.
Q When did he die? A Seven years ago, seven years this month.
Q Did you live with him from the time you married him until he died? A Yes, sir.
Q All the time in the Cherokee Nation? A Yes, sir.
Q Were you ever married before that? A No, sir.
Q Have you married since he died? A No, sir.
Q Have you a certificate of your marriage? A No, sir; I have not. I have two affidavits, though, with me.

1880 Roll, page 265, No. 1213, James Henderson, Delaware District, Native Cherokee.

Q How old was your husband when he died? A I don't just exactly know how old he was. I know he was just seven months older than me.
Q You were enrolled in 1896, weren't you? A Yes, sir; I suppose so.
Q Didn't you give your name in for the 1896 roll? A Yes, sir.
Q Were you with your mother-in-law at the time? A Yes, sir. She lived with me until her death.
Q Have you got any other name besides Susie? A My name is Susie Betsie.
Q Was your husband ever married except to you? A I believe he was.
Q Well, to whom was he married before he married you? A I don't know.
Q You don't know whether his former wife was alive or dead when he married you? A No, sir; I don't know anything about it. I don't know whether he was married or not. He never did tell me anything about it. I have asked him lots of times about it, but he would tell me nothing about it.
Q You have no certificate of your marriage? A No, sir; I have not.
Q You never were married except to this husband. A No, sir.

RANDOLPH BALLARD, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name please? A Randolph Ballard.

Q You are Cherokee witness here are you not? A Yes, sir.
Q Do you know this applicant here Susie Henderson? A Yes, sir.
Q Did you know her husband James? A Yes, sir.
Q Did you know him from his childhood? A Yes, sir.
Q Down to his death? A Yes, sir.
Q Was he ever married to any other woman than this one? A He was never that I know of sir.
Q Would you have known it if he had been? A Yes, sir. I have known him all the time, I guess I would have.
Q Did he always hold this woman out as his wife? A Yes, sir.
Q Have you known her ever since her husband died? A Yes, sir.
Q She has never married since then? A No, sir; not that I know of at all.

Witness excused.

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THE COMMISSIONER: The applicant establishes by her own and other personal testimony that she was married to her deceased Cherokee husband James Henderson. He is identified on the roll of 1880 as a Native Cherokee He died some seven years ago? It appears quite conclusive that he was never married except to this woman, and that they lived together as husband and wife until he died some seven years ago, and that she has not married since his death, and that she has continued to live in the Cherokee Nation ever since her marriage to him in 1867. She is not, however identified on the roll of 1896. For the further consideration of her ~~application~~ case, her application will at this time be placed upon a doubtful card and she will be classed as a Cherokee by adoption.

-------o------

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

Subscribed and sworn to before me this 19th day of October A. D. 1900.

Commissioner.

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Cherokee D 494

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Susie Henderson for the enrollment of herself as a citizen of the Cherokee Nation.

Appearances:
Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12, that her case would be taken up for final consideration by the Commission on the 28th day of February,1902; she this day appears by her attorneys Mellette & Smith, of Vinita, I. T., and by agreement with the representatives of the Cherokee Nation this case is this day taken up for final consideration.

The attorney for the applicant offers in evidence certified copy of the marriage record, showing that James Henderson, a citizen of the Cherokee Nation, and Miss Susie B. Bradley, non citizen, were united in matrimony by Rev. A.J.Crisp, on the 23rd day of February,1887; and same is filed herewith.

The attorney for the applicant and the representative of the Cherokee Nation present submit this case to the Commission for final consideration, same is ordered closed and reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file brief, in this case, one copy with the Commission and one copy with the representatives of the Cherokee nation.

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 16 1902

[illegible]
Secretary.

D. 494

Lawrence Hotel
Muskogee, I.T.

Muskogee, I.T. July 14th 1902

Hon. Tams Bixby
Chairman Dawes Commission
Muskogee, I.T.

Dear Sir:

Mr. Wm. O. Wyatt, of Muskogee, I.T., has
been employed by the Choctaw Nation to
represent the interests of the Choctaw
Nation in the matter of the application
of the Muskogee Electric Traction Co.
for a franchise through the Choctaw
Nation, and I have given him a letter
of introduction to the Dawes Commission
and the Indian Agent, and would
appreciate any courtesies you may
extend him.

Yours truly,
[illegible]

M.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 1st, 1902.

In the matter of the application of Susie Henderson for the enrollment of herself as a citizen by intermarriage of the Cherokee nation.

Appearances:
Applicant appears in person.
W. W. Hastings for Cherokee nation.

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Supplemental to D-494.

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SUSIE HENDERSON, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A. Susie Henderson.
Q. How old are you? A. I am 34.
Q. What is your post office address? A. Haskell.
Q. You are a claimant before the commission as a citizen by intermarriage, are you? A. Yes, sir.
Q. When did you come to the Cherokee nation? A. 16 years ago the second day of last October.
Q. Was that prior or subsequent to your marriage? A. That was before I was married.
Q. When were you married? A. 15 years ago the 23rd of last February.
Q. Where have you been making your home since your marriage?
A. Cherokee nation, Delaware district.
Q. Have you been out of the Cherokee nation since that time?
A. I have been for a short time, not to stay. I made my home here.
Q. Is your husband living? A. No, sir.
Q. When did he die? A. I believe it is 6 years this coming January.
Q. Were you ever married before you married him? A. No, sir.
Q. Was he ever married before he married you? A. Not that I know of
Q. Have you remarried since his death? A. No, sir.
Q. Where were you living four years ago last March? A. I was living in the Cherokee nation, sir.

ELIZA HENDERSON, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A. Eliza Henderson.
Q. How old are you? A. I am 56.
Q. What is your post office address? A. Vinita.
Q. How are you related to the applicant in this case? A. She was my deceased husband's daughter by his first wife.
Q. How long have you known her? A. I have known her growing up 17 years.
Q. Where has she been living since that time? A. In the Cherokee nation.
Q. Has she ever made her home out of the nation since that time?
A. No, sir.

Irene C. Gary, being first duly sworn, states that she stenographer in the Commission in the above entitled cause correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 15th day of July, 1952.

Notary Public.

Cher
Supp'l to D 494

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 22, 1902.

In the matter of the application of SUSIE HENDERSON, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

SUSIE HENDERSON, being duly sworn and examined by the Commission, testified as follows:

Q Your name is Susie Henderson ? A Yes sir.
Q How old are you ? A Thirty five.
Q What is your post office ? A Afton.
Q Are you a white woman ? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage ? A Yes sir.
Q What is your husband's name ? A James Henderson.
Q Is he living ? A No sir.
Q Was James Henderson a Cherokee by blood ? A Yes sir.
Q When were you married to him ? A In 1887, I believe. If I am not mistaken we have been married fifteen years.
Q How long had James Henderson been living in the Cherokee Nation when you married him ? A All his life I suppose.
Q Was he your first husband ? A Yes sir.
Q Were you his first wife ? A Yes sir, so far as I know.
Q When did your husband James Henderson die ? A Nine years ago.
Q Did you live with him from the time you married him until he died ? A Yes sir.
Q Never were separated during his lifetime ? A No sir.
Q Have you married since the death of your husband James Henderson ?
A No sir.
Q Now have you been residing and making your home in the Cherokee Nation ever since your marriage to James Henderson ?
A Yes sir, and longer too; I have been living here seventeen years.
Q Your home has been in the Cherokee Nation during all that time has it ? A Yes sir.
Q You have never lived anywhere else ? A No sir.

By J. C. Starr:

Q Do you know whether James Henderson was ever married before he married you ? A No sir, I don't know that he ever was.
Q How long had you known him before you and he were married ?
A About six months.

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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 November 29, 1902.

R. L. Fonner
Notary Public.

No 494

Lucie Henderson

vs

Cherokee Nation

(Copy)
Brief for Applicant

Nattle & Lynch
Attys for Applicants

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

—:—: IN THE MATTER OF THE APPLICATION OF [illegible] HENDERSON.:—:—

[illegible] DOCKET NO. [illegible] 494.

In this case we filed for the applicant the certificate of her marriage to James Henderson, she not being present, and with other cases requested fifteen days in which to file a brief. Upon examination of the record it appears that there is nothing to brief. The record is very short consisting of less than two pages. It is shown by the evidence that the husband of the applicant James Henderson, was identified by this Commission on the roll of 1880 as a native American, and that he died some seven years ago and that the applicant has not married since his death and that she has continued to live on the Cherokee nation ever since her marriage to the said James Henderson, in the year 1867. From the summary of the evidence as indicated in the foregoing, supported by the knowledge of the Commission, it is evident that the only reason the applicant [illegible] at the time of the application [illegible], [illegible] a certificate of her marriage to the said James Henderson. It is also evidenced by the fact of the [illegible] of the [illegible] of the same ~~[illegible]~~ sent to said applicant [illegible] her marriage certificate.

As the proof of [illegible] marriage to the said James Henderson, has now been duly filed it is evident that the only question in the case has been eliminated, and that the applicant is entitled to [illegible] as prayed for.

Respectfully submitted.

Mellett & Smith

Attorneys for Applicant.

Cherokee D-494.

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

In the matter of the application for the enrollment of Susie Henderson as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 21, 1900, Susie Henderson appeared before the Commission at Vinita, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 25, 1902, July 1, 1902, October 7, 1902, and October 28, 1902.

The evidence shows that the said Susie Henderson nee Bradley, was lawfully married, on February 23, 1887, to one James Henderson, a citizen by blood of the Cherokee Nation who is identified on the Cherokee authenticated roll of 1880. The said Susie Henderson is identified on the Cherokee census roll of 1890.

The evidence further shows that the said Susie Henderson lived in the Cherokee Nation with her husband from the time of her marriage to him up to and including his death in 1893, since which time she has continued to reside in said nation, and had not re-married up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Susie Henderson should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby,
Acting Chairman.

(SIGNED) T. B. Needles,
Commissioner.

(SIGNED) C. R. Breckinridge,
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 2 1903

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-494

Muskogee, Indian Territory, March 11, 1903.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Susie Henderson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. M-421

IN THE MATTER OF THE APPLICATION OF

Susie Henderson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Decree of divorce

[illegible] from [illegible]

[illegible] required

Decision

IN THE MATTER OF THE APPLICATION OF

Susie Henderson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/2/00.
B. Memo. of application of 10/2/00.
C. Receipt for testimony
D. Notice of final consideration, 3-28-1902
E. Certified copy of marriage cert.
Copy of [illegible]

F. Supplemental testimony and order closing testimony, Feb. 25, 1902

Brief of applicant

Cancelled and transferred to Cherokee No. [illegible]

Dismissed

her husband was a Shawnee Indian, as a Cherokee by adoption. The five children applied herein are all identified with their parents on the roll of 1896. They are listed as now, they are all said to be natives of the Cherokee Nation, and all have lived here all their lives, but as their right to enrollment depends upon the father's right, the application for their enrollment will be placed upon a doubtful case, they being classed as Cherokee-Shawnees. The applicant states that he didn't apply to the Cherokee Commission or Council for Readmission to citizenship when he came to the Cherokee Nation some years after he had received his patent.

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Burns C. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Burns C. Jones

Sworn to and subscribed before me this the 3rd of October, 1900.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2, 1900.

In the matter of the application of Frederick Garrett for the enrollment of himself and children as Cherokees by Shawnee blood and his wife as a Cherokee by intermarriage; he being sworn and examined by Commissioner Breckenridge, he testified as follows:

Q Give me your name, please? A Frederick Garrett.
Q How old are you? A I am 49.
Q What is your post office? A Miami.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself and the whole family.
Q Got a wife? A Yes, sir.
Q How many children? A Five.
Q Do you apply as a Cherokee by blood? A I am a Shawnee.
Q What is your wife? A A white woman.
Q How long have you lived in the Cherokee Nation? A I have been here all together all of my life, since 1839.
Q Have you been here ever since 1839? A I have been out and in, I have been here for the last fifteen years.
Q Are you on the roll of 1880? A No, sir.
Q You are on the roll of 1896, are you? A Yes, sir.
Q Where were you living when you were out of the Territory? A I was in Kansas at the time the 1880 roll was made, working for my father, I was under age.
Q You came here 15 years ago? A Yes, sir.
Q You have been of age 18 years; where were you those three or four years you were of age? A I was still out there in Kansas.
Q When you came here did you apply to the Cherokee Nation for readmission? A No, sir.
Q Did you have any interest down here? A Yes, sir, I did, I had a farm and cattle down here on the river.
Q When? A All the time we were out.
Q Who had that, your father? A Yes, sir.
Q Did your father make his home up there in Kansas? A He did part of the time, he was here off and on every year, he was here part of the time every December.
Q Did he vote up there in Kansas? A No, sir.
Q Did you vote there? A No, sir.
Q Where did you claim your home? A In the Territory, we were not allowed to vote up there at all.
Q What is your father's name? A Sam Garrett.
Q He dead or alive? A Dead.
Q What is your mother's name? A Elizabeth.
Q What was her name before she was married; she dead or alive?
A She is dead.
Q Either your father or mother on the roll of 1880? A No, sir.
Q How long has your father been dead? A He died in 1891.
Q How long has your mother been dead? A She died in 1870.
Q Your father on any of the rolls of the Cherokee Nation? A Yes, sir, I think he is on all about the 1880 roll up to the time he died.
Q Your mother on any rolls? A I don't know, I was small when she died.
Q Give me the name of your [illegible] wife? A Sarah Linnie.
Q Sarah L. Garrett is her present name? A Yes, sir.
Q How old is she? A 37.
Q When were you married to her? A In 1888.
Q You lived with her ever since you married? A Yes, sir.
Q Have you lived all the time in the Cherokee Nation? A Yes, sir.
Q Give me the names of these children? A Samuel Frederick is the eldest one, 11 years old.
Q Give me the name of the next oldest? A Sam Alex, 10 years old.

Frederick Garrett - 3.

Q The name of the next child? A Bertha May, 9 years old.
Q The next child? A Clyde Raymond, 7 years old.
Q The next child? A Claud Leroy, 4 years old.
Q The next child? A That is all.
Q All living now, are they? A Yes, sir.
Q Were they all born in the Cherokee Nation? A Every one of them.
Q Lived here all their lives? A Yes, sir.
(On 1896 roll, page 603, No. 174, Frederick Garrett, Delaware district. Sarah L. Garrett on 1896 roll, page 573, No. 219, Delaware district. Samuel F. Garrett on 1896 roll, page 603, No. 175, Delaware district. Oren C. Garrett on 1896 roll, page 603, No. 179, Oren C. Garrett, Delaware district. Bertha May Garrett on 1896 roll, page 603, No. 177, Delaware district. Clyde R. Garrett on 1896 roll, page 603, No. 178, Delaware district. Claud Leroy Garrett on 1896roll, page 603, No. 179, Delaware district.)
Q Your father camex to the Cherokee Nation with the Shawnees in 1870 or 1871, die he? A In 1869.
Q Where did he keep house and keep his family and live from 1869 until he died? A Why he lived up there in the Territory for about six years from the time we moved here, and then he moved ---
Q Where did he live from 1869 immediately, did he live in the Cherokee Nation? A Yes, sir, right over in Delaware district.
Q How long did he live there? A About 6 years I guess.
Q That brought him to about 1875? A Yes, sir.
Q When did your father die? A He died in 1891.
Q There was sixteen more years of his life after that step; where did he live during that time? A Most of the time in Kansas, and part of the time here; he was back and forth.
Q Where did he keep the children? A The youngest of us was up there with him in Kansas.
Q Where was the family home? A Up there in Kansas.
Q That is where he made his residence, did his housekeeping?
A Yes, sir.
Q You came with your fatherin 1869? A Yes, sir.
Q And you went with him when you were a child and he went up to Kansas? A Yes, sir.
Q And down to fifteen years ago you made your home there with him?
A Yes, sir.
Q Were you married, where were you married? A Up here by Bluejacket.
Q You have lived here continuously since you married? A Yes, sir, I never have been out of the Territory to exceed ten days.
Q Are you the brother of Richard Garrett? A Yes, sir.
Q And his home is at Chouteau, Kansas? A Yes, sir, he has not lived there always.
Q He has lived there continuously for the last ten years? A No I don't think he has.

The applicant is identified on the roll of 1896, he states that he came with his father to the Cherokee Nation when the Shawnees moved there in 1869, and that after living in the Cherokee Nation six years he went with his father and the balance of the family back to Kansas. There his father lived as set forth in the testimony up to the time of his death, and there the applicant lived with his father as set forth in the testimony down to fifteen years ago, since which time he claims to have lived continuously in the Cherokee Nation. He does not claim that he or any of the family are on the roll of 1880. He is a Shawnee. He will be classed as an adopted Shawnee, and his application will be placed upon a doubtful card. He states that he married his wife in 1888, and that she has lived with him in the Cherokee Nation ever since their marriage, she is identified with him on the roll of 1896, and with her children, and she will be classed with

Frederick Burnett - S.

her husband on a doubtful card, as a Cherokee by adoption The five children applied for are all identified with their parents on the roll of 1896. They are living now, they are all said to be natives of the Cherokee Nation, and all have lived here all their lives, but as their right to enrollment depends upon the father's right, the application for their enrollment will be placed upon a doubtful card, they being classed as Cherokee-Shawnees. The applicant states that he didn't apply to the Cherokee Commission or Council for readmission to citizenship when he came to the Cherokee Nation some years after he had reached his majority.

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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.

Bruce C. Jones

Sworn to and subscribed before me this the 3rd day of October, 1900.

Commissioner.

File with Cherokee Dentitial case #495, Frederick Garrett

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 23rd, 1901.

In the Matter of the application of Frederick Garrett, Cherokee Card D-495. SUPPLEMENTAL TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:
L. L. Baugh for the Cherokee Nation
Mellette & Smith for the applicants.

FREDERICK GARRETT being first duly sworn by Com'r T. B. Needles, testifies as follows.

( By Mr. Smith ) State your name? A Frederick Garrett.
Q Are you the applicant in this case? A Yes sir.
Q You have testified in the case before? A Yes sir.
Q Before the Commission when you made your application? A Yes sir.
Q Do you remember what year it was that you returned to the Cherokee Nation after your father took you out when you were a boy? A I think it was either '85 or '87.
Q To what place did you return? A To the old home place.
Q Did you have any property on that place at that time? A An interest in some cattle.
Q How many cattle? A 143 head.
Q What did you do with these cattle? A I have part of them yet.
Q Did you ever vote anywheres except in the Cherokee Nation? A No sir
Q Ever held office anywheres except in the Cherokee Nation? A No sir.
Q Ever sit on juries anywheres except in the Cherokee Nation? A No sir.
Q Have you ever voted in the Cherokee Nation? A Yes sir.
Q Ever have any permits issued to you by the Cherokee Nation? A Yes sir.
Q Where did you have the permits? A You mean where were they issued from?
Q Yes sir. A From the Clerk's office.
Q What clerk? A Mr Hastings was clerk when I got some of them.
Q What Hastings? A I dont know his first name.
Q Clerk of what district? A Delaware district.
Q Have you a brother named George Garrett? A Yes sir.
Q When did he come back to the Cherokee Nation after your father took him out? A I dont remember just when it was, he was here 2 or 3 years before I came.
Q He was here when you came? A Yes sir.
Q Have you a brother named Robert L.? A Yes sir.
Q When did he come back? A Same year I did, just before I did.
Q Have you a sister named Mary? A Yes sir.
Q When did she return? A When Robert did.
Q What was a sister named Elizabeth? A Yes sir.
Q When did she return? A Same time the others did, just before I did.
Q Were your brothers Robert and George recognized in the same way that you were? A Yes sir, I think so, I never heard anything different.
Q I believe you stated in your original examination here that you had property here in the Cherokee Nation during the time you were out? A I had an undivided interest in the cattle was all.
Q Does your name appear on the Shawnee roll of 778 persons which was made out in accordance with the treaty of 1869? A I think it does.
BY MR. SMITH: If the Court please I would like to have the Shawnee rolls examined and that part thereof which mentions the name of this applicant, made a part of this record.

BY COM'R NEEDLES: Comes the applicant and presents the Register of the names of the members of the Shawnee Tribe of Indians who

have moved to and located in the Cherokee Nation, Indian Territory ( prior to the 10th day of June 1871 ) within two years from the 9th day of June 1868 in accordance with an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians through their Delegations in Washington D. C., United States of America on the 7th day of June 1868 and approved by the President of the United States on the 9th day of June 1869 in accordance with the Fifteenth Article of the Cherokee treaty of with the United States proclaimed August the 11th 1866, and calls the attention of the Commission to the fact that on said rolls at #361 is found the name of Frederick Garrett. Said rolls being a printed list in the possession of the Cherokee Representatives and the said rolls being certified to by Lewis Downing Principal Chief of the Cherokee Nation and by Graham Rogers, Late Principal Chief of the Shawnee Tribe of Indians and by Charles Tucker, Late Ass't. Principal Chief of the Shawnee Tribe of Indians.

Applicant also calls the attention of the Commission to th fact that at number 377 is found the name of Samuel Garrett; at #378 is found the name of Richard Garrett; at #379 is found the name of Geo. Garrett; at #380 is found the name of Robert L. Garrett; and at #382 is found the name of Mary Garrett.

( By Smith of applicant )

Q What is the fact as to your sister Elizabeth Garrett, what is the fact as to her returning coming here with you originally ? A She came with my father and the rest of the family.

Q She came here with your father? A Yes sir and kept house for him at the time.

( By Mr. Baugh )

Q How old was you when you returned from Kansas to the Cherokee Nation after you had left here? A About 26 years old.

Q Did you go to the Cherokee National Council and ask to be re-admitted to citizenship? A No sir.

J. C. WILLIAMSON being first duly sworn ~~[illegible]~~ as stated before Com'r T.B.Needles, testified as follows for applicant-

( By Smith )

Q What is your name? A J. C. Williams-n.

Q Where do you live? A Bluejacket.

Q What is your age? A 55.

Q Are you a citizen of the Cherokee Nation? A I dont know that I am

Q You dont know? A ( No answer )

Q How long have you lived in the Cherokee Nation? A Since September 1879.

Q What is your occupation? A Farming and stock raising.

Q Where did you come from to the Cherokee Nation? A Johnson County Kansas.

Q With what did you come? A I came by myself but I had George W. Franklin's [illegible] goods and moving machine with me.

Q Is he a [illegible] citizen? A Yes sir.

Q Did you [illegible] marry? A No sir.

Q Did you marry a [illegible] afterwards? A Yes sir.

Q Do you know [illegible] Garrett? A Yes sir.

Q Do you know [illegible]? A [illegible] sir.

Q What is [illegible] name? A Samuel.

Q Do you know his children and children? A Yes sir.

Q Can you name them? A [illegible], Elizabeth, Fred, Robert, Mary and George.

Q Were they all the children of Samuel Garrett? A He claimed them to be his.

Q Did he bring them here with him when he came? A I didn't see them enroute but I saw them all on the Neosho river where he was living with his family.

Q When was that? A I am not positive if I saw them in '70 But I knew

I saw them in '71, I know they were there in '71, and I think I saw them in '70; I stopped there in '71.
Q Did you know Samuel Garrett before he came to the Cherokee Nation? A Yes sir.
Q What was he? A A farmer.
Q Was he a Shawnee? A Yes sir.
Q An adopted Shawnee? A Yes sir.
Q And he came here when the Shawnees came? A Yes sir.
Q Did you know Frederick Garrett who has just left the stand here? A Yes sir.
Q Is he the same Frederick Garrett that you knew and who was brought here by his father and whose name is on the Shawnee r olls? A Yes sir
Q And these brothers and sisters that you have named, do you know them as the brothers and sisters of Frederick? A Yes sir, I knew them when they came here.
Q Do you know anything about where Samuel Garrett lived when he lived here in '70 or '71? A Yes sir.
Q Where? A On the Chetopa and Carrie Ferry road on Fox creek near Neosho river in Delaware district Cherokee Nation.
Q With his family? A Yes sir.
Q These are the same people that you stopped with in '70 or 71? A Yes sir.
Q Did he improve a place there? A Yes sir.
Q In what way? A Built a house, fenced it and broke out a farm .
Q How long did the old man Samuel Garrett live there before he left that place, as well as you recollect? A As well as I recollect he left there in the fall of '75 or '6.
Q Did he take Frederick back with him? A I think he took Frederick with him, he left two of the boys.
Q Which two did he leave? A I think Richard and George.
Q Do you know what disposition was made of the place when when old man Garrett left there that time? A Yes sir.
Q What? A I rented the place.
Q How long did you have it rented? A I lived on the place as well as I remember about 18 months.
Q What property, if any, did these people leave upon that place? A He left somewhere about 80 head of cattle, cook stove and a bed and bead stead, I think some house furniture, some plows,
Q About 80 head of cattle, some household goods and some farming implements? A Yes sir.
Q Was the old man Samuel Garrett ever back on the place after you rented it from him? A He was there back on the place every few months I cant call how often.
Q He had property there? A Yes sir.
Q Do you know of his voting in the Cherokee Nation after he left the place and went to Johnson County Kansas? A Nothing more than that he stopped with me.
Q Voted? A Oh voted, yes sir.
Q In the Cherokee Nation? A Yes sir,
Q Do you know if he had property interests in Johnson county Kansas A Yes sir I know he owned a farm there when I was there and he owned quite a tract of land near Westerville Kansas, I dont know how much of a farm he did have there.
Q After he left this place, at the time he rented it to you, do you know of him voting somewhere else except in the Cherokee Nation? A No sir.
Q Do you know of his holding himself out as a citizen of anywhere else except in the Cherokee Nation? A No sir.
Q Do you know of his exercising privileges in the Cherokee Nation after he rented that place to you? A Not direct.
Q Did he ever come back to live on the place after that? A Not that I know sir.
Q Do you know when he died? A I know when he died but can't call the date now.
Q About how long ago? A Either in '90 or 91

Q Do you know this applicant Frederick Garrett? A Yes sir.
Q Do you remember [illegible] in the Cherokee Nation? A I remember [illegible] what year.
Q Do you [illegible] you spoke of was on the place [illegible] A [illegible]
Q Were there any cattle on the place? A I think there was some cattle still on the place.

BY [illegible]

Q You say [illegible] Garrett stayed in the Cherokee Nation? A He [illegible] that was after he came [illegible] there.
Q Who did he work for? A I don't remember now.
Q You don't know if he voted or not do you? A I dont know if he did, he [illegible] I was put on officer at the polls and dont know if he [illegible]
Q How long [illegible] since he moved to Kansas? A You mean when he moved [illegible] Nation?
Q Yes sir. A [illegible] as I can remember it was in about '75.
Q He lived continuously from that time until his death in Kansas? A Yes sir.
Q He never came back to the Cherokee Nation to live after that? A No sir not as I know of.

BY MR. [illegible]: I desire to offer in evidence a part of the Shawnee-Cherokee Agreement entered into between the duly authorized delegates representing the Cherokee Nation of Indians, and the duly authorized delegates representing the Shawnee tribe of Indians, and in order to make special reference to it I will read a part of said agreement:

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

I desire to further call the attention of the Commission to Article 1., Section 2 of the Constitution of the Cherokee Nation.

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BY COM'R Needles: This will be filed in Cherokee Doubtful case D-495.

BY MR. [illegible] I desire this testimony also to be filed in the following cases: Shawnee D-488; Shawnee D-490; Cherokee D-856 and Cherokee D-1001.

BY COM'R [illegible] to furnish to applicant's attorney copies of this testimony when [illegible] in the cases named.

= = = = = = = =

[illegible] that as stenographer [illegible] the foregoing and full [illegible] herein.

Chas. [illegible]

[illegible] this [illegible] day of October, 1901.

C. A. Theisinger

Commissioner.

Witness examined by Mr. Hastings:

Q Were you ever married before, except except to this woman ?
A No sir.
Q Was she ever married before she married you ? A No sir.

The Commission: Attorney for the applicants and the repre-
sentative of the Chickasaw Nation present, waived case open, and
the same is ordered closed, and reported to the Commission for
final decision based upon the evidence now of record.

The attorneys for the applicants request and will be granted
fifteen days within which to file a brief in this case, one copy
with the Commission, and one copy with the representative of the
Chickasaw Nation.

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I, [illegible], on oath state that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this March 3, 1908.

[illegible]

Commissioner.

"RR"

D 495

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 3, 1902.

In the matter of the application of Frederick Garrett, for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, for the Cherokee Nation.

The Commission: The applicant was notified by registered letter on February 14, 1902, that his application for the enrollment of himself, wife and children, as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st day of March, 1902, appears in person, and by his attorneys, Messrs Mellette & Smith, of Vinita, Indian Territory.

FREDERICK GARRETT, the applicant herein, being sworn and examined, testified as follows:

Examined by Mr. Smith:

Q State your name ? A Frederick Garrett.
Q You are an applicant in this case ? A Yes sir.
Q You apply for the enrollment of yourself, wife and six minor children ? A Yes sir.
Q Mr. Garrett, you were notified to produce the certificate of your marriage to your wife; examine that paper and tell me what it is ? (Attorney passes to witness a paper).
A That's the certificate that I got from the minister.
Q The man that married you ? A Yes sir.
Q Did your wife have any other name than the one given in that certificate ? A Yes sir, the minister left out her first name, Sarah Linnia. Her name was Sarah Linniar Carr.

The Commission: There is offered in evidence by the attorney for applicants a certificate signed by Charles Bluejacket, and witnessed by Louisa Bluejacket and Wallace Bluejacket, certifying that he united Frederick Garrett and Miss Linniar Carr in marriage on the 18th day of March, 1889.

Examined by Mr. Smith:
Q Was Charles Bluejacket a minister of the gospel ? A Yes sir.
Q Where were you married ? A At Mr. Bluejacket's residence.
Q Where was that ? A Right west of Bluejacket station.
Q In the Cherokee Nation ? A Yes sir.
Q Well, is this person mentioned in this certificate that you have examined, identical with your wife Sarah ? A Yes sir.
Q The same person ? A Yes sir.
Q Mr. Garrett, examine those papers and tell me what they are ? (Attorney passes papers referred to to witness).
A Those are permits for the hire of United States laborers.

Mr. Smith: I desire to offer these to be filed as evidence in the case.

Mr. Hastings: To which the representatives of the Cherokee Nation object because the same are not proof of citizenship.

The Commission: The several permits offered in evidence by the attorney for the applicants will be filed and made a part of the record, and considered for that they are worth.

Witness examined by Mr. Hastings:

Q Were you ever married before, except except to this woman ?
A No sir.
Q Was she ever married before she married you ? A No sir.

The Commission: Attorney for the applicants and the representative of the Cherokee Nation present submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

The attorneys for the applicants request and will be granted fifteen days within which to file a brief in this case, one copy with the Commission, and one copy with the representatives of the Cherokee Nation.

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

E C Bagwell

Subscribed and sworn to before me this March 3, 1902.

M D Green
Notary Public

Commissioner.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 27th, 1902.

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In the matter of the application of Frederick Garrett for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood; for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood.

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Supplemental to D-495.

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Cherokee Nation appears by J. C. Starr.

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FREDERICK GARRETT, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A. Frederick Garrett.
Q. What is your age? A. 42.
Q. What is your post office? A. I get my mail now at Dawes.
Q. It was Miami when you applied before? A. Yes, sir.
Q. Are you a Shawnee citizen of the Cherokee Nation? A. Yes, sir.
Q. What is your wife's name? A. Sarah Lena.
Q. Is she a white woman? A. Yes sir.
Q. An applicant for enrolled as a citizen by intermarriage, is she?
A. Yes, sir.
Q. When were you married to your wife Sarah L.? A. '89, March.
Q. Were you ever married prior to your marriage to this wife?
A. No, sir.
Q. Had she ever been married prior to her marriage to you?
A. No, sir.
Q. You and she have lived together all the time since your marriage up to the present time? A. Yes, sir.
Q. Never separated? A. No, sir.
Q. You were living together on the first of September, 1902?
A. Yes, sir.
Q. Have you lived in the Cherokee Nation all your life?
A. No, sir.
Q. When did you come here? A. I first come here in '70 and lived here about four years, then moved back and came here in '85 or '87, I ain't sure which.
Q. Did you come the first time when the Shawness came under the treaty? A. Yes, sir.
Q. Is your name on the register? A. Yes, sir.
Q. Have you lived in the Cherokee Nation since '85 or '87?
A. Yes, sir.
Q. Has your wife lived here since your marriage to her?
A. Yes, sir.
Q. Are these children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L., your children by your wife Sarah L.?
A. Yes, sir.
Q. Are they all living at this time? A. Yes, sir.

BY MR. STARR:
Q. Where are you living? A. In the Cherokee Nation.
Q. Where? A. About 9 miles west of Miami.
Q. Have you lived in Kansas any of the time since 1890?
A. Never lived in Kansas at all since '85 or '87.
Q. Never been out in Kansas since then? A. No, sir.

[illegible]

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], [illegible]

[illegible]

Notary Public.

Ct. No 495

Frederick Garrett

vs

Cherokee Nation

Copy for Ct.

Brief of Appellants

Mackett & Brook
atty for appl.

xx xxx xxxx xxxxx

F. Garrett,

and were there when the said Fred Garrett, again took up his residence in the Cherokee Nation; that the said Fredrick Garrett, has lived continuously in the Cherokee Nation since 1885 or '87; that the said applicant has never in his life, voted except in the Cherokee Nation, and that he has never held office or served upon a jury anywhere except in the Cherokee Nation; that he has voted in the Cherokee Nation; that permits have been issued to him by the clerk of the Delaware District of the Cherokee Nation, as J. T. Martin. The treaty of the Shawnee and Cherokee treaty, with the certificate and all papers pertaining thereto, is made a part of the record in this case as well as the enrollment of said applicant. In this connection I wish to refer to the cases of Alexander Walker who married Mary Garrett, C. D. 490; Robert L. Garrett, C. D. D.386; John E. Adeshour, who married Elizabeth Garrett, C. D. D.456 and George Garrett, C. D. 1501. The same being brothers and sisters of the said Fredrick Garrett, and having the same status, I will submit this case upon the brief filed in this case.

BRIEF AND ARGUMENT.

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The Cherokee Nation has not disputed that the applicants, aside from Adeshour and Walker, who are intermarried, are Shawnee Indians by blood, nor that the heads of the families, Fredrick, Robert L., George, Mary and Elizabeth, are the identical persons who took up their residence in the Cherokee Nation in 1868, under and by virtue of the Shawnee and Cherokee agreement, Approved June the 8th, 1869.

The only point of controversy appears to be the absence of the family in the state of Kansas, after said family had lived in the Cherokee Nation until about 1875 or '76. In other words it is another instance of the Cherokee Nation seeking to take advantage of what it terms a forfeiture of citizenship. The wording of the Cherokee Constitution in this regard is as follows:

"Be it that whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this

3. Barrett.

Nation shall cease."

We have always contended that a fair sensible construction of this provision is, to hold that it contemplates a total abandonment of the country and affirmative abjuration of the tribal relation upon the part of the citizen.

This is the plain import of the language used. Certainly no rule of statutory construction is necessary. By its own term, as plain as the English language can make them, three elements must concur to work a forfeiture. 1st. A citizen must remove. 2nd. He must remove with his goods and effects. 3rd. He must become a citizen of another government.

At the time the constitution was adopted it was evidently not the intention of the framers of that instrument to oust its ex citizens by reason of the various sojournings or residences if you please, in other governments. They were to remove with all their effects and become citizens of another government. In the case of Elk vs. Wilkins, 112th. U. S. which was a case where the Indian sought affirmatively to abjure his tribal relation and to be allowed to vote in the state of Nebraska after a much longer residence than is required in the state of Nebraska, to entitle one to vote, the Supreme Court of the United States say:

"The petition, while it does not show of what Indian Tribe the plaintiff was a member, yet, by the allegations that he is an Indian, born within the United States, and that he has severed his tribal relation to the Indian Tribes, clearly implies that he was a member of one of the Indian Tribes within the limits of the United States, which still exists and is recognized as a Tribe by the Government of the United States. Though the plaintiff alleges that he voluntarily completely surrendered himself to the jurisdiction of the United States, he does not allege that the United States accepted the surrender or that he has ever been naturalized or taxed or in any way recognized or treated as a citizen, by the State or by the United States. Nor is it contended by his counsel that there is any statute or treaty that makes him a citizen.

The question then is, whether an Indian, born a member of the Indian Tribes within the United States, is, merely by reason of his birth within the United States and of his afterwards voluntarily separating himself from his Tribe and taking up his residence among white citizens, a citizen of the United States, within the meaning of the first section of the 14th Amendment of the Constitution?

Under the Constitution of the United States, as originally established, Indians not taxed were excluded from the persons according to whom members representatives and direct taxes were apportioned among the several States; and Congress had and exercised the power to regulate commerce with the Indian Tribes, and the members thereof, whether within or without the boundaries of one of the States of the Union. The Indian Tribes being within the territorial limits of the United States, were not strictly speaking, foreign states, but

As applied to the case at bar we do not consider that there is room for construction with regard to the Cherokee provision on the subject of forfeiture:

"If a statute is plain certain and unambiguous so that no doubt arises from its own terms as to its scope and meaning, a bare reading suffices; then an interpretation is needless."

Sutherland on Statutory Construction.Sec.234.

Hughes vs. Illinois, 108 U.S. 626.

United States vs. Hartwell, 6 Wallace,395.

We think the provision of the Cherokee Constitution is so clear that it does not admit construction and that by its own law the Cherokee Nation must fail. When we show that citizenship was attached in ~~this instance~~ the first instance as we have shown in this case, then it devolves upon the Cherokee Nation to show a forfeiture. This it can only do by showing a concurrence of all three of the elements of its own construction. In other words, the removal; removal with his goods and effects, and the acquiring of citizenship in another government.

Out of the abundance of caution, however, we call the especial attention of the Commission to the language of the Supreme Court of the United States in the of the New York Indians, Supra. In the agreement with the said Indians there was this provision" Such of the Tribes of the New York Indians as do not accept and agree to remove to the country set apart for their homes within five years, shall forfeit all their interest in the lands so set apart by the United States. In that case the United States sought to establish the proposition that a forfeiture had been worked by reason of the Indians not removing. In this case the Cherokee Nation seeks to work a forfeiture against one of its own citizens upon the grounds mentioned. The analogy is perfect. In the New York Indian case the Supreme Court of the United States say:

"A condition when relied upon to work a forfeiture is construed with great strictness. The grantor must stand on his legal rights and any ambiguity in the deed or defect in the evidence offered to show a breach, will be taken most strongly against him and in favor of the grantee. A condition will not be extended beyond its express terms by construction. The grantor must bring himself within these terms to entitle him to a forfeiture."

that during all of the time of the minority of these applicants and during all of the time that Samuel Barrett, was in the state of Kansas, he voted in the Cherokee Nation, held property in the Cherokee Nation and it says that since the return of this applicant, Frederick Barrett, that he has voted in the Cherokee Nation; that permits have been issued to him by the duly constituted authorities of the Cherokee Nation permitting him as a citizen of the said Nation to employ non-citizens. The duly constituted authorities for making the Cherokee rolls have placed these applicants upon their own rolls.

During these fifteen years the applicants whose citizenship has never been questioned have built up their homes, improved their property in the Cherokee Nation and it is perfectly clear that the Cherokee Nation can not at this time invoke the doctrine of forfeiture, for every principle known to the law with regard to forfeiture is against it.

The case of the United States vs. New York Indians, also disposed in favor of the applicants. With the Cherokee Nations contention that the acts of recognition upon the part of its officers, such as issuing permits, marriage license etc., are immaterial, this Commission will not, from a careful reading of that opinion, that every act of every officer or set of officers of the United States, which in any manner recognized the claim of the Indians was taken against the United States.

The decision of the case which we have discussed somewhat at length in this brief, exhausts the subject as to forfeiture. We [illegible] contend that the applicants in this case [illegible] [illegible] period, and that, that they have forfeited their citizenship [illegible] their tribal rights. This should be [illegible] this record upon the plain terms of the provision of the Cherokee Constitution upon which it relies.

Furthermore, it is evident that the Government of the United States will never subscribe to the forfeiture, narrow and [illegible] of the Cherokee Nation, in this case in order that these citizens [illegible] for years and by it, recognized in every possible way

[illegible] recti.

[illegible] are [illegible] correct.

Respectfully [illegible].

Mellott & Smith

Attorneys for [illegible].

D. 4

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., April 10, 1902.

In the matter of the application of Frederick Garrett for the enrollment of himself, wife and children as citizens of the Cherokee Nation of Shawnee blood.

Cherokee D. 495.

Brief on behalf of the Cherokee Nation.

-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-

The applicant, Frederick Garrett, is a Shawnee, and was born in the Year 1861, and being 39 Years of age when he made this application on October 2, 1900; he claims to have come to the Cherokee Nation with his father with the other Shawnees under a treatY with the Cherokees made on the 1869; that he remained in the Cherokee Nation about six Years; that about the Year 1875 he with his father and the rest of the familY returned to Johnson CountY, Kansas, where he continued to reside until about the Year 1887, when he returned to the Cherokee Nation, married his wife, who is a white woman, about 1889, and has continued to reside in the Cherokee Nation since that time.

At the time applicant came to the Cherokee Nation he was entitled to "all the rights of a native Cherokee", as stated in the Shawnee treatY; he had no higher or greater rights than a Cherokee bY blood had at that time; he was to all intents and purposes a Cherokee citizen bY blood. The representative of the Cherokee Nation desires to insist and to urgentlY call the attention of the Commission to the fact that because a person applies as a Shawnee citizen he has no greater right than a Cherokee bY blood. It makes no difference how his right of citizenship was acquired: Whether it was bY inheritance, or bY treatY, or bY the paYment of a stipulated sum, the right once acquired is the same, and we contend could be forfeited bY one and all classes of our citizens alike. The Shaw-

nee agreement provided "That all of said Shawnees who shall elect to avail themselves of the provisions of this agreement shall register their names and permanently locate in the Cherokee Nation country as hereinabove provided within two years from the date hereof, otherwise they shall forfeit all rights under this agreement". You will observe that the applicant was required to permanently locate within the Nation. The testimony shows that he remained hereonly a short time, left and went back to Kansas where his father made his future home, and where his father died in 1891. In answer to the question in his first examination: "Where was the family home?" he answered: "In Kansas", and in answer to the next question: "That is where he made his residence, did his housekeeping"?, he answered: "Yes sir, and in answer to this question: "And down to fifteen years ago you made your home ~~there?~~ ~~referring to~~ there with him?", referring to his father in Kansas, he answered: "Yes sir".

The testimony further shows that his father had a home or a farm in Kansas; that he made occasional visits to the Indian Territory.

Field on International Law says: "One can not be at one and the same time a citizen of two states".

Westlate says: "Legitimate children in whatever region or place they may be born are regularly members of the state of which their parents form a part at the moment of their birth", and Felois says: "The child is a part of the Nation to which his father belonged if the child is born in lawful wedlock, or to the Nation of its mother if the mother was not married".

"An infant can not ~~change~~ of its own accord change his domicil, but it changes while the father is living with the domicil of the father".-- Amer. & Eng. Enc., page 808 and cases cited.

It is quite clear that the applicant was a minor when

he left the Cherokee Nation with his father in about the Year 1875, hence the domicil of the father was that of the applicant. And in as much as it is conceded in his testimonY that the home of the father was in Kansas that of the applicant was there also. He lived there about twelve ~~years~~ or fourteen Years; his father died ther e; his name does not appear upon the roll of 1880, which shows that the National Council considered at that time that he had forfeited his citizenship; and in as much as the roll of 1880 has been confirmed we contend that that was an adjudication of his status at that time bY the Cherokee National Council, which had full jurisdiction over determining the question of citizenship in the Cherokee Nation. And in as much as the applicant had prior to that time removed from without the limits of the Cherokee Nation to the state of Kansas the National Council properlY determined that he was not a citizen of the Cherokee Nation, and would not be entitled to be enrolled upon the ~~roll~~ authenticated roll of 1880; and in as much as this roll was confirmed and his name does not appear upon it we contend that it was necessarY for the applicant to have been re-admitted to citizenship bY the National Council or some court of competent jurisdiction.

There is much contention about the forfeiture of propertY rights on the part of counsel for applicant; but the Supreme Court of the United States in the Stephens case, 174 U. S., page 446, decided that the "mere expectation of a share in the public lands and moneYs of these tribes can not be held to amount to such an absolute right of propertY", or in other words that the right of ~~property~~ citizenship was not a propertY right, but that propertY rights flowed from rights ofcitizenship; and that the propertY rights should not be considered in considering the question of citizenship. PracticallY the same question was decided bY the Supreme Court of the United States in the case of Roff vs BurneY, 168 U. S., page 219, where the

court decided that the citizenship which the Chickasaw legislature could confer it could withdraw; but of course if it involved vested property rights this could not be done. Hence the court must have concluded that the right of citizenship was not a property right.

This applicant not only lived in Kansas with his father while he was a minor, but he continued to live there for some three or four Years after he attained his majority. Hence not only the law with reference to the domicil of the father is applicable to him, but it was his own domicil after he became of age for that period.

A pay roll was made from the roll of 1880, and the Cherokee Nation does not believe that this roll should be too lightly set aside. It was the intention of Congress that there should be some starting place, and in as much as the Cherokee Nation had solemnly authenticated this roll it was deemed advisable that it should be made the basis from which the present roll should be made; and the name of applicant not appearing upon this roll, not living in the Nation at the time it was made, and not having been re-admitted to citizenship subsequent to that time, we submit that he should not be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

C. Harlan

Attorney for the Cherokee Nation.

W H M.

Cherokee D #495

Jae

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

In the matter of the application of Frederick Garrett for the enrollment of himself and his minor children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 2, 1900, Frederick Garrett appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and his minor children, Samuel F., Oren C., Bertha M., Clyde R. and Claud L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation. A birth affidavit for Homer L. Garrett was filed with the Commission on March 27, 1901. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 23, 1901, and at Muskogee, Indian Territory, on October 27, 1902.

The evidence in this case shows that Frederick Garrett is a Shawnee Indian and is identified on a certain register of names as one of those who located in the Cherokee Nation under the terms of a treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians, on June 7, 1869, and approved by the President of the United States June 9, 1869.

It further appears that the said Frederick Garrett remained in the Cherokee Nation until about 1875 or 1876, when he went to the State of Kansas with his father, Samuel Garrett, also a Shawnee Indian. The applicant remained with his father, in the State of Kansas, until 1885, at which time he returned to the Cherokee Nation and has since continuously resided therein.

The evidence further shows that, while in the State of Kansas, his father, Samuel Garrett, owned property and effects in the Cherokee Nation, in which the applicant had an interest, and that he visited his farm in the Cherokee Nation every few months; that he voted in the Cherokee Nation and exercised no rights of citizenship in the State of Kansas.

The evidence further shows that the said Sarah L. Garrett was married to the applicant on March 18, 1889, and the above named children are the issue of said marriage. An examination of the tribal rolls, in possession of this Commission, shows that Frederick Garrett, his wife, Sarah L. Garrett, and his oldest son, Samuel F. Garrett, are identified on the Cherokee census roll of 1890; and the said Frederick Garrett, together with his children, Oren C., Bertha M. and Clyde R. Garrett, is also identified on the Shawnee pay roll of 1896. All of the applicants herein, except Homer L. Garrett, are identified on the Cherokee census roll of 1896. The said Homer L. Garrett is identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Sarah L. Garrett has resided with her husband in the Cherokee Nation since the date of their marriage up to and including September 1, 1902. The above named children being minors, their residence is considered to be the same as that of their father.

Article 2 of the treaty concluded between the United States and the Cherokee Nation, at Tahlequah, Indian Territory, on December 19, 1891, approved by the Principal Chief on January 4, 1892, and ratified by an Act of Congress approved March 3, 1893 (27 Stats. L., 612-641), provides as follows:

"For and in consideration of the above cession and relinquishment, the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of Section 6 of the treaty of 1835; and sections 26 and 27 of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the Principal Chief of the Cherokee Nation."

Upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief pursuant to said treaty, which lists bear date of 1893 and are now in possession of the Commission, it appears that the names of none of said applicants are found thereon.

It is, therefore, the opinion of this Commission that Frederick Garrett, Samuel F. Garrett, Oren C. Garrett, Bertha M. Garrett, Clyde R. Garrett, Claud L. Garrett and Homer L. Garrett should be enrolled as citizens of the Cherokee Nation of Shawnee blood, and that Sarah L. Garrett should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this FEB - 1 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th.,1908.

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IN THE MATTER OF THE APPLICATION OF PATRICK GAINEY, ET AL., FOR ENROLLMENT AS CITIZENS OF THE CHEROKEE NATION.

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Cherokee D-495

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PROTEST OF THE CHEROKEE NATION

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Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on February 3rd., 1908, and asks that the same be forwarded to the Secretary of the Interior for review, together with a copy of the brief heretofore filed before the Commission on the part of the Cherokee Nation.

In addition to the reasons urged in said brief, we desire to call the attention of the Secretary of the Interior to what we believe to be a very erroneous position taken by the Commission in their decision, and that is the reference by the Commission to the Act of Congress approved March 4th., 1906, providing for the cession of the Cherokee Strip to the United States, and the preparation of a list of intruders in the Cherokee Nation. The Commission will known, as does the Secretary of the Interior, that not a single intruder was removed from within the limits of the Cherokee Nation, and that the Cherokee Nation made repeated appeals to the Government of the United States to carry out this provision of that Act of Congress, which was not done, and for this reason no complete list of intruders was ever furnished by the Principal Chief of the Cherokee Nation, and the Commission knows that they have rejected hundreds of p rsons who have applied to the Commission, whose names do not appear upon this list of intruders. This is purely a negative argument, and one that should not commend itself to either the Commission or the Secretary of the Interior. There are thousands of white persons residing within the limits of the Cherokee Nation whose names do not appear upon this list of intruders requested to be furnished, who do not claim citizenship, but who are entit-

[redacted]

[redacted]

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-495

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Frederick Garrett for the enrollment of himself and his minor children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enc. M-2024

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-495

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior the record of proceedings had in the matter of the application of Frederick Garrett for the enrollment of himself and his six minor children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Sahwnee blood, and for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

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

Respectfully,

Acting Chairman.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-495

Muskogee, Indian Territory, November 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of Frederick Garrett for the enrollment of himself and his six minor children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except his said wife, November 7, 1903.

Respectfully,

Chairman.

( COPY )

D.C.53238-1906. Y.P.

DEPARTMENT OF THE INTERIOR LLB

WASHINGTON.

I.T.D.6478-1903. December 1, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

November 7, 1903, the Department affirmed the decision of the Commission to the Five Civilized Tribes, in favor of the applicants, in the Cherokee enrollment case of Frederick Garrett et al. (D 495), except as to Sarah L. Garrett, who claims as an intermarried citizen of the Cherokee Nation.

In view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the decision of the Commission to the Five Civilized Tribes of February 2, 1903, is reversed, so far as Sarah L. Garrett is concerned.

The papers in the case have been returned to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inclosures to Ind. Of.

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 495.

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

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for enrollment of Sarah L. Garrett as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 1, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-104.
JMH

Frederick Barrett et al.

Cher D 496

D490

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October [illegible], 1900.

In the matter of the application of [illegible] for enrollment as citizens by intermarriage [illegible] children as Cherokees by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A John [illegible] Hood.
Q How old are you? A 46 years old.
Q What is your post office? A Afton.
Q In what district do you live? A Delaware.
Q Who do you want to have put on the roll? A [illegible] family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Are you a Cherokee by blood? A No, sir.
Q Where was you born? A I was born in North Carolina.
Q Your wife a Cherokee by blood? A Yes, sir.
Q Have you got your marriage license and certificate? A [illegible], sir.
(The applicant presents a license issued by the clerk of the Tahlequah District on June 1, 1893, authorizing his marriage to Susan Connor, a Cherokee citizen, and the certificate showing that they were united in marriage on the 5th day of the same month and year, the clerk of the district performing the ceremony. This is filed herewith.)
Q Have you lived with your wife ever since you married her in 1893?
A Yes, sir.
Q Lived in the Cherokee Nation all the time? A Yes, sir.
Q Now your wife's present name is Susan Hood, is it? A Yes, sir.
Q How old is she? A 30 years old.
Q Was she born in the Cherokee Nation? A Yes, sir.
Q Has she lived here all of her life? A Yes, sir.
Q What is her father's name? A Caleb Connor.
Q Is he dead or living? A Alive.
Q Give me the name of her mother? A Lucy Connor.
Q Is she living or dead? A Alive.
Q Is your license spelled [illegible] correctly? A No, sir.
Q It is just a clerical error in the license? A [illegible] so.
Q Were you ever married before you married this [illegible]? A Yes, sir, I was married before.
Q To whom were you married? A [illegible] Williams.
Q When did you marry her? A [illegible].
Q Is she living? A Yes, sir.
Q When did she die? A I don't [illegible] years ago.
Q Was she [illegible] married to you? A Yes.
Q These are the only children [illegible]?
A Yes, sir.
Q Give me the names of the children? [illegible] old.
Q What was your wife's child's name [illegible] married in 1893? A [illegible] first time [illegible] Cherokee law.
Q Give me the next child? A Benjamin Hood, 11 years old.
Q The next child? A Lenettie, 7 years old.
Q The next child? A [illegible], [illegible]; [illegible] old; Dollie, born last and last.
Q All living, are they? A Yes, sir.
Q These are not all the children of this wife? A Yes, sir.
Q She was married before she married you? A No, sir.
Q You said you married under United States law? A Yes, sir.
Q Where is your United States license? A It is at the office, I left it there two years ago.

Q When were you married under this United States license? A 13 or 14 years ago.

Q Who is here that you can prove that you were married 13 or 14 years ago?

Randolph Ballard, being sworn and examined by Commissioner Brookinridge, testified as follows:

Q Give me your name? A Randolph Ballard.

Q How old are you? A 48.

Q What is your post office? A Keesmore.

Q You are a witness here of the Cherokee Nation? A Yes, sir.

Q You know the applicant here, Mr. John A. Hood? A Yes, sir.

Q You know his wife? Susan Connor?, that was? A Yes, sir.

Q He shows a Cherokee marriage license and certificate here dated June, 1893; they were married before that, were they now, and living together as husband and wife? A Yes, sir, I guess so; there was a wid in our elections he was disputed on account of not having a license.

Q Do they live together as husband and wife? A Yes, sir, they live together.

Q About how long have you known of their living together as husband and wife, some thirteen or fourteen years? A Yes, sir, ten or 12 years or 13 years, I have no recollection, how long I have known them.

Q It is understood, is it, that these children are the children of this marriage? A He was married, I believe, before, but I don't know how many children they had.

Q Did you know of his having any children by his former marriage? A I have seen them, but I am not able to tell how many they have got, I know they have children there, and I don't know the first one's name.

Q I want to know whether these children are the children of this Cherokee woman? A I reckon so, yes, sir, a good many of them.

John A. Hood, recalled, testified:

Q You say you were married before? A Yes, sir.

Q And have you got children by that marriage? A Yes, sir, I ave one girl 20 years old.

Q That is the only child? A Yes, sir, the only one living.

Q Did you ever apply to the Dawes Commission for admission to Cherokee citizenship? A Yes, sir.

Q In 1896? A Yes, sir; no, sir, it wasn't in 1896.

(Docket B., page 426, No. 5474; Elizabeth Hood et al. v. Cherokee Nation; filed September 7, 1896; answer filed; application denied; no appeal.)

Q Is Elizabeth Hood any kin to you? A Yes, my mother, that is her name.

(Susan Hood on 1880 roll, page 78, No. 470, Susie Conner, Coo-weescoowee district; on 1896 roll, page 178, No. 2277, Susan Hood, Cooweescoowee district. John A. Hood on 1896 roll, page 308, No. 478, Cooweescoowee district. Radford Gay Hood on 1896 roll, page 178, No. 2278, Bradford G. Hood, Cooweescoowee district. Benjamin Hood on 1896 roll, page 178, No. 2279, Ben H. Hood, Cooweescoowee district. Lenettie Hood on 1896 roll, page 178, No. 2280, Cooweescoowee district. Cyrus C. Hood on 1896 roll, page 178, No. 2281, Cooweescoowee district.)

Q Did you apply with your mother in that application she made in 1896 to the Dawes Commission? A It wasn't my mother, it was my father that applied; my mother was dead.

Q Were you in the application? A No, I wasn't in the application, I don't know whether he put my name in there or not, I had nothing to do with it.

Q That was an application for admission by blood? A Yes, sir, it was.

Q You are applying now under your intermarried rights? A Yes, sir.

Q. Was your wife's name in that application? A. No, sir.

The applicant applies for the enrollment of himself, his wife and six children. It appears as set forth in the record that he might have been a party to an application to the Dawes Commission in 1896, and the record shows that so far as that application is concerned, that the Commission rejected the application and no appeal was taken therefrom. He is identified on the roll of 1896, and he is shown to have married his Cherokee in 1893 in accordance with Cherokee law. The license and certificate are filed herewith. Her status will be set forth directly. For the present, the applicant will be place upon a doubtful card as a Cherokee by intermarriage. This is chiefly for the purpose of consulting more fully the records of the Dawes Commission. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. The applicant states that she has lived in the Cherokee Nation all her life, but for the present her application will be placed upon a doubtful card to see if she could have been a party to the application made to the Dawes Commission. As regards his children, the applicant states they were all the children by his present marriage and that he was married under United States law some thirteen or fourteen years ago, and that he can supply a certificate of that marriage. The first four of the six children named in the testimony are identified on the roll of 1896. They are living at this time. Some of them were born since the Cherokee marriage. At present all of them will be placed on a doubtful card and the applicant is required to supply the Commission with evidence of his marriage under United States law as stated. He is desired to supply the Commission also with proper certificates of birth of the two younger children, when they will be classed with the others as Cherokees by blood. They will for the present be placed upon a doubtful card.

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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.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of October, 1900.

C. A. Bierne

Commissioner.

Supl.-C.D.#496.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JOHN A. HOOD, ET AL/, as a citizens of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself, wife and children would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. The Commission's letter has been acknowledged, and the applicant this day, to-wit: the 28th day of February, 1902, appears in person and by his Attorney, W. D. Humphrey representing W. H. Kornegay, Vinita Indian Territory.

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

Mr. Humphrey: The applicant in this case, John A. Hood, claims citizenship by marriage to Cherokee citizen whose name at the time of their marriage was Susan Conner. It seems that Susan Conner is on the 1896 roll as Susan Hood, the wife of this applicant. We desire to see if the name of Susan Conner is on the roll of 1880; and the testimony does not show clearly where the applicant was first married to his wife. He was married twice, once under United States license and afterwards in accordance with the Cherokee law.

JOHN A HOOD, the applicant, called testified as follows in his own behalf:

MR. HUMPHREY:

Q What is your name? A John Hood.
Q where do you live, Mr. Hood? A I live ag Afton.
Q How old are you? A 47.
Q Where were you married to your former wife? A I was married in the Seneca Nation.

MR. HASTINGS:

Q were you ever married before, except to this woman? A Yes, sir

MR. HUMPHREY)

Q By whom were you married this first time? A Joseph Bombarry.
Q What was he? A He was a preacher.

Commission: There is received and filed with the Commission on the 3d day of October, 1900, a certified copy of a certificate showing that John A. Hood and Susan Conner were united in matrimony on the 4th day of November, 1886, by Joseph Bombarry.

Q How many children have you, Mr. Hood? A Six by my last wife.
Q You know how many of these are on the 1896 roll? A No, sir, I don't exactly.
Q The evidence shows that three, four, on the 1896 roll, I will ask you, Mr. Hood, if you have ever sent in a certificate of the brith of your last two children? A Yes, sir

Commission: On the 2d day of October, 1900, there were received, approved and filed with the Commission duly executed affidavits as to the births of Oscar Hood and Dollie Hood, the infant children of John A. and Susan Hood.

MR. HASTINGS:

Q You married before you married this woman? A Yes, sir.
Q Where were you married? A I was married in Missouri.

Q Was she ever married before she married you? A No, sir.
Q You are her first husband? A Yes, sir.
Q Your first wife dead when you married your second wife?
A Yes, sir.
Q You applied for yourself to the Dawes Commission for enrollment in '96? A My father.
Q And your application was included in that? A Well, he give in all of our names; of course I had nothing to do with them.
Q Your name was included in that application? A I think he put all the names down.
Q You knew id didn't you? A No, sir, I didn't.
Q Didn't you know it at the time? A Yes, sir.
Q How far did your father live from you? A He didn't live far, three or four miles.
Q Did you make an affidavit at that time? A No, sir.
Q You didn't? A No, sir.
Q You didn't give him the names of your children? A I don't remember whether he got the names of the children or not.
Q You didn't give him the ages? A I don't remember.

Mr. Hastings: I ask that all the testimony in that case be filed in this and made part of the record.

Q What is your father's name? A Melton.
Q He is dead now isn't he? A Yes, sir.
Q In answer to this question when you were before the Commission before: did you ever apply to the Dawes Commission for admission to citizenship in the Cherokee Nation, you said: yes, sir?
A I said No then I did.
Q You said No then did you? A I said no, but my father did.

Mr. Hastings: The representative of the Cherokee Nation desires to call attention to this question and answer made by the applicant while upon the ax stand and under oath at Vinita, on October 2d, 1900, as shown by the testimony file herein.

Commission: It appears from the records of the Commission made in accordance with the Act of Congress approved June 10, 1896 that Melton L. Hood and Jefferson D. Sexton applied to the Commission for admission to citizenship in the Cherokee Nation under the provisions of said act. The application was filed on the 26th day of August, 1896; the answer of the Cherokee Nation filed thereto and application denied by the Commission at Fort Smith, Arkansas, on November 24, 1896. It further appears that an appeal was taken to the United States Court for the Northern District where the judgement of the Commission was sustained.

(Dawes Commission Citizenship Docket B, 1896, page 426, Cherokee No. 5,472, Court No. 286.)

Mr. Humphrey: The applicant objects to the introduction of the testimony called for by the representatives of the Cherokee Nation for the reason that the parties referred to applying for enrollment in 1896 applied as citizens by blood. The applicant in this case applies as a citizen by intermarriage or adoption, and for the further reason that at that time John A. Hood was 21 years of age, and was then and for several years been transacting his own business and had not authorized his father or any one else to make the application for him and for him to meddle with his affairs in any matter whatever before the Commission to the Five Civilized Tribes.

Mr. Hastings: The representatives of the Cherokee Nation desire to state that if this man applied for citizenship, as

shown by the records and as shown by his own answer both on October 2, 1900, and to-day to the Dawes Commission, and upon appeal adjudged him not a citizen of the Cherokee Nation, then he is certainly barred in every respect.

MR. HUMPHREY of Applicant:
Q Mr. Hood, I will ask you if in 1896 you applied for enrollment as a Cherokee citizen? A I did not, no, sir.

Mr. Humphrey: Before the records in the case of Milton Hood are introduced as evidence against John A. Hood we would ask that the Cherokee Nation show that Milton Hood had the authority to appear before the Commission in behalf of this applicant, John A. Hood.

Commission: The request of the Cherokee Nation to have the papers in the case of Milton Hood filed with the Commission under the provisions of the Act of Congress approved June 10, 1896, be made part of the record in this case will be complied with.

F. L. MOORE, being duly sworn, testified as follows on part of applicant:
MR. HUMPHREY:

Q What is your name? A F. L. Moore.
Q Where do you live, Mr. Moore? A Close to Headmore.
Q How old are you? A 68.
Q Are you acquainted with the applicant in this case, John A. Hood?
A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q Do you know them to be man and wife? A Yes, sir.

Mr. Hastings: I object to this testimony; because the record testimony is the best testimony, and that has been introduced.

Mr. Humphrey: If the attorney for the Cherokee Nation agrees that it is undisputed as to the marriage we don't desire any further testimony and the witness can stand aside.

Mr. Hastings: The representatives of the Cherokee Nation object to that record being made, and absolutely deny.

Mr/ Humphrey: In this case the applicant bases his right to enrollment on his citizenship acquired by marriage to Susan Conner who was at the time of their marriage a Cherokee citizen; the marriage being established by the certificate of Joseph Bombarry, the Minister who united them in matrimony, and further established by the introduction of the marriage license which they procured to be married under Cherokee law. The four older children are shown by papers filed herein to be on the record of 1896 and certification of the mother and physician have been introduced to show the birth of Oscar Hood and Dellie Hood, the two younger children. From this case it seems that the attorney for the Cherokee Nation claims that the applicant has been barred by an application which was made in 1896 by Milton Hood, who applied for enrollment as a Cherokee by blood and was denied enrollment. John A. Hood says his father, Milton Hood, had no right to appear in his behalf and seek to have him enrolled as a Cherokee citizen. If any such enrollment was attempted to be made by the father of this applicant it was based on the ground of citizenship by blood, and even if he had been barred on that ground, it would not bar him in this action, because he applies for citizenship on the ground that he is an adopted citizen, being adopted by intermarriage.

Mr. Hastings: The Cherokee Nation contends that the judgment of the Court on appeal from the decision of the Dawes Commission in 1896 in this case was final, and that the records abundantly show that this man himself in person applied to the Commission in 1896; he so stated when he applied October 2d, 1900, under oath and the records in this Milton Hood case now introduced and made part of the record in this case, shows that this self-same applicant, John A. Hood, signed a petition for appeal to the United States District Court; the records show that they were rejected and not to be citizens of the Cherokee Nation subsequent to 1896, and that, therefore, this judgment is final, and he is not a citizen of the Cherokee Nation and not entitled to be enrolled. When a claimant comes into the Court and asks to be enrolled as a citizen of the Cherokee Nation he must state all of his grounds which he thinks entitles him to enrollment and if he is denied enrollment and decided not to be a citizen, then it must be some act subsequent to the rendition of the judgment in order to give him citizenship. In other words, if this man had been denied citizenship sometime prior to the Act of December 16, 1895 as a Cherokee by blood and subsequent to that time and before December 16, 1895, he had intermarried in accordance with Cherokee law, then he might have become a citizen by intermarriage. But a man can't be heard to say after the court in rendering a final judgment, said he was not a citizen, then come here and say he had some other grounds he hadn't set up. The Court said he was not a citizen and that is a finality.

Commission: The attorney for the applicant and representative of the Cherokee Nation present submit this case to the Commission. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted ten days in which to file a brief in the case; one copy with the Commission and one copy with the Cherokee Nation.

---oooOOOooo---

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 March 3, 1902.

Commissioner.

Supl.-C.D.496.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15, 1902.

In the matter of the enrollment of John A. Hood, et al., as citizens of the Cherokee Nation:

Commission: In the matter of the request of the Representative of the Cherokee Nation in the case of John A. Hood, et al., for enrollment as citizens of the Cherokee Nation to have all the testimony and proceedings had in the case of Milton L. Hood, before the Commission in 1896 filed in the case of John A. Hood, et al., which request was made February 28, 1902; the record in that case being very voluminous, the Representative of the Cherokee Nation states that all he desires by having this record filed is to show that the applicant in this case, John A. Hood, was an applicant before the Commission in 1896 for admission to citizenship in the Cherokee Nation, being embraced in the application of Milton L. Hood, his father; that he signed the petition for appeal from the decision of the Commission to the United States Court, and that the United States Court sustained the decision of the Commission rejecting his application.

(Among the papers filed in the application of Milton L. Hood, et al., for citizenship in the Cherokee Nation before the Commission in 1896, appears the following Petition in Appeal:)

In the United States Court, within and for the Northern District of the Indian Territory.

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| | |
|---|---|
| Milton L. Hood, et al., Plaintiffs, | Petition in Appeal. |
| vs. | Dawes Commission |
| Cherokee Nation, Defendant. | No. _____ |

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Now come the above named Milton L. Hood and others named in their application for Cherokee Indian Citizenship, to the Commission of the United States, to the Five Civilized Tribes and known as the Dawes Commission. And Complain:

FIRST, That Petitioners are Cherokee Indian by blood and entitled to all the rights, privileges and benefits of Cherokee Indian Citizens of the said Nation and to enrollment as such.

SECOND, That the ancestor through whom they claim their Cherokee Indian blood was a Cherokee Indian by blood, and was so recognized by the Cherokee tribe of Indians on the Cherokee Indian reservation, east of the Mississippi river, and Petitioners believe the names of descendents of said Ancestors appear on the different Cherokee rolls.

ent Cherokee rolls.

THIRD, That neither petitioners or ancestors have taken any reservations in the old Nation or upon Indian neutral lands or in any other manner forfeited their rights as Cherokee Indian citizens.

FOURTH, Petitioners have not violated any of the laws or treaties, Governing, and their names should be enrolled as Cherokee Indians.

FIFTH, That the said Commission denied peittioners application for citizenship, giving no reason for so doing, and that erred in their judgment of den ial, to-wit:

1st, Because the judgment of denial was contrary to the law and treaties governing.

2nd, Because the judgment of denial was contrary to the evidence.

3rd, Because petitioners were denied the right of a jury trial.

4th Because peitioners were denied a public hearing.

5th Because petitioners were given no oppertunity to reply to any answer or evidence filed in the case.

6th Because said Commission rendered its decision of denial while a minority were sitting and in the absence of a majority.

7th, Because Petitioners were not notified of the time and place of hearing and were not permitted to be present either in person or by attorney.

8th, Because the defendant did not answer with the time given, and petitioners should have had judgment by default.

9th, Because said Commission refused to send for witnesses or papers &c, as by law directed to do, that petitioners might prove their claim against said Nation.

10th, That said Commission erred in adopting rules governing the introduction of evidence unknown and contrary to the laws of the land and prejudicial to these petitioners.

SIXTH, That this appeal is not taken for a delay, but that justice may be done plaintiffs.

SEVENTH, That said Commission erred in not consolidating the application of plaintiffs with the application of Jefferson D. Sexton, et al., which was on or about the_____ day of_____, 1896 filed with said Commission.

Wherefore, Petitioners pray for an appeal; that process issue; that appelants be permitted to introduce new and additional testimony; that plaintiffs be granted a trial by jury; that an order be made requring the said Dawes Commission to send all papers, records and pleadings, appertaining to this case and filed with them, to this Court; that said Commission be also required to send all papers, records and pleadings appertaining to the case of Jefferson D. Sexton, et al, above referred to, to this Court, and that said cases may be consolidated. That defendant be required to show cause why plaintiffs are not entitled to and should not be the rules and orders of this Court be adjudged and enrolled citizens of the Cherokee Nation, and for all such other relief as may seem

prayer, plaintiffs will ever pray.

(Signed) Dan Carles & Stanfield.
Attorneys for Plaintiffs.

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

I, John A. Reed, being first duly sworn on oath depose and say that I am one of the plaintiffs named in the foregoing petition, and that I have heard the same read, and know the contents thereof, and that the statements and allegations therein set forth are true as I verily believe. And that the appeal in this case is not taken for the purpose of delay but that justice may be done these plaintiff

(Signed) John A. Reed.

Subscribed and sworn to before me this the 22nd day of January, 1897.

(Signed) F. M. Smith,
Notary Public.

(SEAL)
My Com. Exp. Oct. 26th, 1898.

Endorsements: No. 280.
William L. Reed, et al.
vs.
Cherokee N.

Filed Jan 23 1897
Jas. A. Wingtes,
Clerk.

---ooo000ooo---

(EXCERPTS OF THE OPINION.)

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the ground that they are the descendants of a Cherokee Indian by blood, who was so recognized by the Eastern Band of Cherokee Indians. It appears also that the principal claimant and his wife were denied admission to citizenship in the Nation by one of the Commissions on citizenship.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants to be enrolled as citizens of the Cherokee Nation is denied.

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I, J. O. Rogers, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I copied the above extracts filed in the case of Milton L. Reed, et al., for admission to citizenship in the Cherokee Nation before the Commission in 1896, and that the foregoing is a true and complete copy of the same.

J. O. Rogers

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 7th, 1902.

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In the matter of the application of John A. Hood for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Susan Hood, and his children, Radford G., Benjamin H., Lenettie, Cyrus C., Oscar and Dollce Hood, as citizens by blood of the Cherokee Nation.

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Supplemental to D-496.

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Appearances:
Caleb Conner for Applicant.
J. C. Starr for Cherokee Nation.

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CALEB CONNER, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Caleb Conner.
Q. What is your post office? A Afton.
Q. Do you know John A. Hood? A. Yes, sir.
Q. What relation is he to you? A. He is my son-in-law; married my daughter.
Q. When did he marry your daughter? A. Married in '97, I believe it was. Lets see. I have forgotten. Their oldest child is 14 years old.
Q. It is at least 15 years ago? A. Yes, sir; that long.
Q. How long prior to that time had you known John A. Hood? A. I hadn't known him very long; a year or two. Two or three years I guess.
Q. Do you know where he came from? A. Missouri
Q. Do you know if he had ever been married before? A. He was married and his wife died right there close to me and then he married her.
Q. Married just once before? A. Yes, sir.
Q. That wife died? A. Yes, sir.
Q. What is his wife's name? A. Present wife's?
Q. Yes, sir. A. Susan Louvina.
Q. How long has Susan lived in the Cherokee Nation? A. Been here all her life. Never been anywhere else.
Q. Has John A. Hood lived with that wife ever since he married her? A. Yes, sir.
Q. Never made his home anywhere else but the Cherokee Nation?
A. No, sir.
Q. How many children have they? A. Five.
Q. Six, isn't it? A. May be. I have so many grandchildren I can't keep up with them.
Q. Are they living in the Cherokee Nation? A. Yes, sir.
Q. Lived in the Cherokee Nation all their lives, have they?
A. Yes, sir

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 7th day of November, 1902.

B. O. Jones
Notary Public.

B.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 7th, 1902.

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In the matter of the application of Susie Henderson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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Supplemental to D-494.

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Appearances:

Caleb Conner for Applicant.
Cherokee Nation by J. C. Starr.

---

CALEB CONNER, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Caleb Conner.
Q. What is your post office? A. Afton.
Q. Do you know Susie Henderson. A. Yes, sir.
Q. How long have you known Susie Henderson? A. Oh, I have known her--I don't know exactly how long--16 or 17 years.
Q. Where does she live? A. She is living there right near Afton now, about 3 or 4 miles; been living around Afton about 10 or 12 years.
Q. She has been living there continuously for the last 10 or 12 years? A. Yes, sir.
Q. Did you know her husband? A. Yes, sir.
Q. Do you know when they were married? A. I couldn't say just when they were married.
Q. Is her husband dead? A. Yes, sir.
Q. Do you know his name? A. Jim Henderson.
Q. Do you know when he died? A. Been dead 4 or 5 years. Got killed there at Vinita.
Q. Were they living together at the time of her husband's death? A. Yes, sir.
Q. Never separated? A. Not that I know of.
Q. Do you know if he was ever married before? A. I couldn't say anything about that. I heard such a talk that he was.
Q. Do you know if he was married before? A. No, sir; I don't think she was.
Q. She is still a widow; never married since the death of her husband? A. No, never been married since Jim's death.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 22nd day of November, 1902.

L. E. Jones
Notary Public.

Cherokee D-496.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John A. Hood for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Susan Hood, and his minor children, Radford G., Benjamin H., Lenettie, Cyrus C., Oscar and Dollie Hood, as citizens by blood of the Cherokee Nation.

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## DECISION.

--:o:--

The record in this case shows that on October 2, 1900, John A. Hood appeared before the Commission at Vinita, Indian Territory, and then and there made application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Susan Hood, and his minor children, Radford G., Benjamin H., Lenettie, Cyrus C., Oscar and Dollie Hood, as citizens by blood of the Cherokee Nation. On February 28, 1902, the principal applicant appeared before the Commission at its office in Muskogee, Indian Territory. Further proceedings were then and there had and it was directed that a copy of the proceedings in the application of Milton L. Hood et al. to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation be filed and made a part of the record herein, which was done on March 18, 1902. Thereafter, at Muskogee, Indian Territory, on October 7, 1902, further proceedings were had.

The evidence in this case shows that John A. Hood, the principal applicant, was married on November 4, 1886, to Susan Conner, and that he was re-married to his said wife in accordance with the laws of the Cherokee Nation on June 5, 1893. Susan Hood is a citizen by blood of the Cherokee Nation, and she is identified on the Authenticated Tribal Roll of 1880 as Susie Conner. The above named children are the children of the principal applicant by his said wife, Susan. John A. Hood, his wife, Susan Hood, and his four elder children are identified on the Cherokee Census Roll of 1896. Oscar and Dollie Hood are identified by birth affidavits, made a part of the record herein.

The evidence further shows that the said Susan Hood has lived in the Cherokee Nation all her life, and that her husband, John A. Hood, has lived with her since the date of their marriage, up to and including September 1, 1902.

From the evidence, and from an examination of the records of the Commission, it appears that John A. Hood, in connection with his father, Milton L. Hood, and others, filed his original petition under the Act of Congress, June 10, 1896, (29 Stats., 321) with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, which application was denied by

the Commission, and no appeal taken therefrom.

It is the opinion of this Commission that John A. Reed's right to enrollment as an intermarried Cherokee is not prejudiced by the denial of his application for admission as a citizen by blood, under the provisions of the said Act of June 10, 1896, (29 Stats., 321), and that the said John A. Reed should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Susan Reed, Bedford C. Reed, Benjamin M. Reed, Lenetta Reed, Cyrus E. Reed, Spider Reed and Dollie Reed should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, June 28, 1898, ( 30 Stats., 495 ), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this FEB -1 1903

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-496

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of John A. Hood for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Susan, and his minor children, Radford G., Benjamin H., Lenettie, Cyrus C., Oscar and Dollie Hood, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enc. M-1124

IN THE MATTER OF THE APPLICATION OF

John A. Hood et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/2/00.
B Memo. of application of 10/2/00
C Marriage license and certificate
D Marriage certificate.
E Birth Certificate, Oscar Hood,
F Birth certificate, Dollie Hood.
G Receipt for testimony
H Notice of final consideration, 2/28/02

Supplemental Testimony and order closing testimony, Feb. 28, 1902

Supplemental volume

Commissioner to the Cherokees

No 10143

Cher D 497

quilt. He wife is the [illegible] on the rolls of 180 and 180 as a Delaware. She was [illegible] Cherokee [illegible] of Delaware [illegible] Cherokee [illegible] of plot. 180 and will be listed now for enrollment as a Delaware. Cherokee [illegible] of plot. 180 and will be [illegible] the Commission is [illegible] quilt, and quilt with [illegible] blood.

The applicant presents [illegible] to which [illegible] Delaware [illegible] that he was intermarried in [illegible] of 180, and stated that [illegible] Delaware [illegible] the [illegible] 180, and stated that he married [illegible] Cherokee [illegible] but [illegible] over since the marriage. While [illegible] Cherokee [illegible] marriage is undoubtedly [illegible] not [illegible] a certificate of marriage at this time. For the [illegible] of the [illegible] and [illegible] 1880 [illegible] the [illegible] of the [illegible] marriage, at the time [illegible] marriage of the [illegible] and [illegible] to be [illegible] to be classed as a Cherokee [illegible] to the [illegible] marriage.

Commissioner. He will be classed as a Cherokee by intermarriage.

The undersigned, being duly sworn, states that as stenographer to the Commission, he has transcribed the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the stenographic notes taken in the case.

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

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5, 1900.

In the matter of the application of Robert L. Gentry for enrollment of himself, wife and one child, said gentry being sworn by Commissioner Breckinridge, testified as follows,

Q What is your name? A Robert L. Gentry.
Q How old are you? A 24.
Q What is your postoffice address? A Southwest City, Mo.
Q What district do you live in? A Delaware.
Q Who do you want to have put on the roll? A Myself, wife and one child.
Q Are you a Cherokee by blood? A No sir.
Q Is your wife a Cherokee by blood? A Yes.

The applicant presents marriage license issued by the clerk of Delaware district August 14, 1895, authorizing his marriage to Miss Eva Thornton, a citizen of the Cherokee nation. The endorsement shows that the license has been recorded, but there is no certificate of marriage endorsed on or accompanying the license. This is filed herewith.

Q Were you married in accordance with that license? A Yes.
Q Why didn't you get a certificate of your marriage? A I thought that was all that was required.
Q Who married you? A John Duncan, the Clerk at Vinita.
Q Have you lived with your wife ever since you married her in August '95? A Yes.
Q And all the time in the Cherokee Nation? A Yes.
Q How old is your wife? A 24.
Q You were never married except to her? A No sir.
Q She was never married except to you? A No sir.
Q Is she a native Cherokee? A Yes.
Q Has she lived here all her life? A Yes.
Q What is the name of her father? A W. I. Thornton.
Q What is the name of her mother? A A.M.
Q Is she dead or alive? A Alive.
Q What are the names of your children? A Wayne A., 4 years old.
Q Is this child living now? A Yes.

Applicant's wife on '90 roll, page 348, number 2700, as Eva V. Thornton.

Applicant's wife on '96 roll, page 474, number 1275.
Applicant on '96 roll, page 573, number 195.

Q You say the Clerk himself married you? A Yes.
Q Who here knows that you have been living together as husband and wife? A Ezd Fields.

EZEKIEL FIELDS, being sworn, testified as follows:

Q What is your name? A Ezekiel Fields.
Q What is your age? A 57.
Q Postoffice? A Southwest City, Mo.
Q How long have you lived in the Cherokee nation? A All my life.
Q Do you know this applicant here, Mr. Gunter? A Yes, I have known him awhile.
Q How long? A Four or five years.
Q Do you know about his getting married? A Yes, he married William Thornton's girl.
Q Were you present? A No sir.
Q Did they marry in the summer of '95? A I don't remember about how long they have been married. Never took notice of that.
Q Have they a child? A I think so.
Q Are you a neighbor of his? A No sir.
Q You do not know whether they have a child or not? A I don't know.

Applicant applies for the enrollment of himself, wife and one

child. His wife is living [illegible] on the roll of 1880 as a native Cherokee. She has lived [illegible] Cherokee, [illegible] not left and will be living now for [illegible] Cherokee [illegible].
Upon the [illegible] proper certificate of birth of her child, this child will [illegible] for enrollment as a Cherokee by blood.

The applicant presented [illegible] showing that he was [illegible] August 1896 [illegible] the roll of [illegible] Nation over [illegible] marriage. [illegible] no certificate of marriage is [illegible] a certificate of [illegible]. For the [illegible] will be placed upon a special card for the [illegible] of the certificate of [illegible] marriage, and [illegible] of his marriage at the time called if he is [illegible] to the Commission. He will be enrolled as a Cherokee by intermarriage.

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

R M McDonald

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

[illegible]
Commissioner.

Cherokee D. 497

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert L. Gentry, for enrollment as a Cherokee citizen.

On the third day of October, 1900, Robert L. Gentry appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation and for his wife and child as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time his wife and child were listed for enrollment on a regular card and the name of Robert L. Gentry was placed upon a "Doubtful" card awaiting proof of marriage between himself and Eva Thornton.

Further evidence in that matter has been submitted to the Commission and the following decision is rendered.

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D E C I S I O N.

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From all the evidence of record in the case it appears that Robert L. Gentry was married by authority of a Cherokee marriage license on the 14th day of August, 1895, to Eva Thornton, a citizen by blood of the Cherokee Nation, duly identified on the authenticated tribal roll of 1880. His wife has resided in the Cherokee Nation all her life and he has been living with her since the date of said marriage. He is identified on the Cherokee census roll of 1896.

The Commission is directed in paragraph 4, section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495) to enroll; "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Robert L. Gentry is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is therefore so ordered.

Commissioners.

Dated at Muskogee, Indian Territory,

JUN 9 - 1902

Dec 21 1902

COMMISSIONERS,
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS: NOT TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-497.

Muskogee, Indian Territory, June 9, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Robert L. Gentry for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,

Tams Bixby
Acting Chairman.

Encl. D-497.

ALA

IN THE MATTER OF THE APPLICATION OF

Robert L. Gentry

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/3/00.
B. Memo. of application of 10/3/00.
C. Certified copy of marriage certificate.

Copied

Sept. 15, 1902 Cancelled and transferred [illegible] No 9590

See Jacket No 4031

Cancelled

Cher D 498

applicant, [illegible] vol, page 321, number 322, in Steele.

APPLICANT COUNSEL:

Q Is there anybody [illegible] your wife over since she came here in 1917? A There [illegible] in my neighborhood.

Q The applicant's witness [illegible] witness had your husband died? A [illegible] preacher.

Q Where did he make his home? A He was a local preacher traveling around, but I never was with him.

Q Do you live in the Cherokee Nation all the time since you came here in 1918? A Yes.

Q Have you ever been out of the Cherokee Nation? A Only on visits and then some right here.

By W. W. Hastings:

Q Did you ever live in the Creek Nation with your husband, Tarcual Starr? A No sir.

Q Never lived in the Creek? A No sir.

Q Never lived in the Cherokee? A No sir, he did

By the Commission: Did your husband ever live there? A No sir, he did not live there, he was practicing around.

Q Where did he make his home? A Sometimes he made it here.

Q He was a white man? A No sir, a Cherokee Indian.

Q He is dead? A Yes.

Q Did he come here in '21 with the Cherokees? A Yes.

Q Did he at that time as his home all the time? A Yes.

By W. W. Hastings:

Q Were you ever divorced from your former husband, John Starr? A No married another woman.

Q Were you ever divorced? A No sir.

By the Commission:

The applicant applies for the enrollment of Nancy Starr [illegible] as a citizen on the roll, of the Cherokee tribe of Indians, [illegible] who was then living and [illegible] Cherokee Nation. We believe that he has lived in the Cherokee Nation ever since his marriage to that woman until they lived together [illegible] from the time of their marriage until her death. The applicant remarried in '29, as shown by the license and certificate filed herewith, and claims that his present wife is a Cherokee. The applicant is identified on the roll as [illegible], but owing to the lack of satisfactory identification of his present wife as this [illegible] his application will not be placed upon a supplemental card for [illegible] [illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3, 1900.

In the matter of the application of Hugh Campbell for enrollment as himself and wife as citizens of the Cherokee nation, said Campbell being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Hugh Campbell.
Q Your age? A 53.
Q Your postoffice? A Welch.
Q In what district do you live? A Delaware.
Q Who do you want to have put on the rolls? A Myself and wife.
Q Do you apply as a Cherokee by blood? A No sir, white man.
Q Is your wife a Cherokee? A She is a Shawnee.
Q Have you your marriage license and certificate? A Yes.
Q Were you married before '80? A Yes.
Q Are you living with the wife that you married before '80? A No.
Q Let me see your license and certificate then?
Q You were married first in '79? A Yes.
Q You were then married to Alice McLain? A Yes.
Q Now your first wife, Alice McLain, how long did you live with her? A About 18 years.
Q And then she died? A Yes.
Q You lived with her until her death? A Yes.
Q She died then about '97? A Yes.
Q Have you married since her death? A Yes.
Q Let me see your certificate of marriage? Your next marriage was to Mary A. Fish? A Yes.

The applicant presents license from the Clerk of the United States Court, Northern District of the Indian territory, dated July 8, 1899, authorizing his marriage to Mrs. Mary A. Fish, and the certificate shows that they were married on the same date by the Clerk of the Court. (Deputy Clerk). This is filed herewith.

Q Now your wife, Mary A. Fish, that was, is she a Cherokee? A She is a Shawnee.
Q How long has she lived in the Cherokee nation? A She has been here since '71 or '72 I think.
Q What was her name before she was Fish. A Mary Steele.
Q When did she marry Fish? A I don't know.
Q What was her maiden name? A Gillis.
Q Was she ever married except to Steele and to you? A It seems she was married to Fish.
Q You are her third marriage? A Yes, that is my understanding. She is here herself.
Q Where? A Right here.

MARY A. CAMPBELL, being sworn, testifies as follows:

Q What was your name in '80? A Steele.
Q In '96 what was your name? A Fish.
Q How old are you 53.
Q How long have you lived in the Cherokee Nation? A Always.
Q You are a Shawnee? A Yes.
Q When did you come here -- '71? A Yes.
Q What has become of your husband, Steele? A I don't know; he left me.
Q Was he a white man? A Yes.
Q What has become of your husband Fish? A He is dead.
Q What is your father's name? A William Gillis.
Q What is your mother's name? A Sophia McLain.
Q Both dead? A Yes.

Applicant on '80 roll, page 236, number 582.
Applicant on '96 roll, page 267, number 89.

applicant, [illegible] roll, [illegible] Number 252, as Steele.

Examination cont'd:

Q Is there anybody [illegible] ever since she came here in '71? A There [illegible] husband Fisk? A To the applicant's wi[illegible] preaching.

Q Where did he make his home? A [illegible] preacher traveling around, but I never was with him.

Q Do you lived in the Cherokee Nation all the time since you came here in '71? A Yes.

Q Have you ever been out of the Cherokee Nation? A Only on a visit and then came right back.

By W. W. Hastings:

Q Did you ever live in the Peoria Nation with your husband, Paschal Fisk? A No sir.

Q Never lived in the par-part? A No sir.

By the Commission: Did your husband ever live there? A No sir, he did not live there, he was preaching around.

Q Where did he make his home? A Sometimes he made it here.

Q He was a white man? A No sir, a Shawnee Indian.

Q [illegible] is dead? A Yes.

Q Did he come here in '71 with the Shawnees? A Yes.

Q Did he claim this as his home all the time? A Yes.

By W. W. Hastings:

Q Were you ever divorced from your former husband, John Steele? A No married another woman.

Q Were you ever divorced? A No sir.

By the Commission:

The applicant applies for the enrollment of himself and wife. He is identified on the roll of '80 with his Cherokee wife who was then living and who died in '97. He states that he has lived in the Cherokee nation ever since his marriage to that wife and that they lived together from the time of their marriage until her death. The applicant remarried in '98, as shown by the license and certificate filed herewith and claims that his present wife is a Shawnee. The applicant is identified on the roll of '96, but owing to the lack of satisfactory identification of his present wife at this time, his application will now be placed upon a doubtful card for further consideration and investigation. His wife is identified on the roll of '96. She is not identified on the roll of '80. She has borne several names and does not seem to have given her name always in accordance with the one that she actually carried at the time. She states that she came to the Cherokee Nation in '71 with the Shawnees, has lived here continuously ever since. The applicant is desired to produce additional testimony as to the continued residence of his wife in the Cherokee Nation, and as to the fact of her having come here as a Shawnee in '71. For the present her application will be placed upon doubtful card.

The undersigned, being first duly sworn, states that he 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 [illegible] day of October, 1906.

Commissioner.

[illegible]

[illegible]

[illegible]

[illegible] Commission to the Five Civilized Tribes,
[illegible] 1900.

In the matter [illegible] of [illegible] Campbell for the enrollment of [illegible] Cherokee of Shawnee being sworn and examined by [illegible] upon the application as follows:

Q Give your name? [illegible]
Q Give your husband's [illegible] A [illegible]
Q You and he [illegible] filed an application for enrollment? A [illegible]
Q And you couldn't be found upon the roll of 1880? A No sir
Q And now you want somebody to show that you have been here all your life? A Yes sir.
Q You are a Cherokee or a Shawnee? A Shawnee.
Q Then you have been here since 1871 A Yes sir.

THOMAS BLUEJACKET, being sworn and examined by Com'r Breckinridge testified as follows:

Q Give me your name? A Thomas Bluejacket.
Q How old are you? A 59.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Since '71
Q Are you a Shawnee? A Yes sir.
Q Do you know the applicant here? A Yes sir.
Q Did she come here with the Shawnees in 1871? A Yes sir.
Q Has she lived here ever since? A She has been in the country ever since.
Q You know that of your own personal knowledge? A Yes sir, she was at here in 1880, at my house.
Q Why wasn't she enrolled in 1880? A I don't know.
Q If she was enrolled in 1880 what name do you think she would be under? A I think perhaps Steele
Q You know she is a Shawnee, and came here in 1871 and has been here ever since? A Yes 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 true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 4th day of October 1900.

C M Bren

Commissioner.

COMMISSIONER.

Washington, October 20th, 1871.

Sir:

I have the honor to inform you that a meeting of the Commissioners of Claims will be held at Washington City, D. C., on the 1st day of November, 1871, for the purpose of examining and adjudicating the claims of citizens of the United States for the destruction of property by the Confederate Government and its agents during the late war.

Very respectfully, your obedient servant,

CHARLES DRAKE,
Chairman.

Hon. Lot M. Morrill,
United States Senate.

---oooOOOooo---

Chairman Commissioner of Claims.

Washington, D. C., October 20th, 1871.

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Hon. Lot M. Morrill,
United States Senate.

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Chairman Commissioner of Claims.

Cherokee D-498.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Hugh Campbell et al. for enrollment as Cherokee citizens.

Supplemental testimony on behalf of the Applicants:

Appearances:
W. P. Thompson, attorney for applicant;
J. L. Baugh, of counsel for Cherokee Nation.

MRS. TOM BLUEJACKET, being duly sworn by Commissioner Needles, testified as follows:

Mr. Thompson: What is your name? A Mrs. Tom Bluejacket.

Q Age? A 58.

Q Postoffice? A Vinita.

Q Do you know Mary Campbell, the applicant in this case? A Yes, sir, I know her.

Q How long have you known her? A I have known her ever since she was a girl.

Q Are you a Shawnee? A I am a registered Shawnee.

Q Do you know how long has she lived in the Cherokee Nation? A She came here as one Mary Steele, married a man named Steele when the Shawnees came here.

Q What year was that? A I don't know whether it was the first year or the second year, they had two years to come in.

Q It was either '71 or '72? A I don't know exactly the year Mary came in, but she has been here ever since the Shawnees came.

Q You say she came either the first or the second year; was that '71 or '72? A Yes, sir, one of them two years.

Q Well, have you known her ever since? A Yes, sir, I have known her ever since.

Q What has been her residence, where has been her home since '71 or '72 when she first came here? A Well, I don't know where her and Steele lived but after Steele drove her away from his home she was just living about among the Shawnees.

Q In what country? A Right around Vinita here, sometimes she would be at Steve Bluejacket's and sometimes at my house and sometimes at Looney Tigers and anywhere she could get to stay.

Q Well, did all of these people live in the Cherokee Nation?

A Yes, sir, lived right around Vinita here.

Q Where was she living during the year 1880, do you know? A She was right at my house in 1880; she just stayed anywhere anybody would let her stay.

Q Then she has lived here in the Cherokee Nation consecutively since she came here in '71 or '72? A Yes, as far as my knowledge, she might have gone away, she stayed here; she might have gone away and come back.

Q Have you seen her every year? A Yes, sir, I would run across her, and I never heard of her being away.

Mr. Baugh: This Mary Steele's name appear upon the Shawnee rolls?

A Yes, sir, she is a registered Shawnee with one John Steele.

Q Where was she married? A She was married in Kansas before she came here.

Q How long did she live in Kansas prior to her marriage? A I can't tell you that, I don't know how long.

Q How long did she live in Kansas prior to her marriage? A She lived there ever since she was born I guess.

Q She was born in Kansas, was she? A Yes, sir.

Q She never had lived in the Cherokee Nation at all? A Not till she came here with her husband as a registered Shawnee.

Q You say she was living at your house in 1880? A Yes, sir.

Q An one of your family? A No, sir, she just come there and

stopped; as I said, she stayed anywhere anyone would let her stay, she had no home at that time.

Q Did she remove to the Cherokee Nation as a registered Shawnee that was registered under the Shawnee council? A Why I suppose she did.

Q Well, you said she was born in Kansas and lived there till she was married; I want to know whether she lived here? A Yes, she moved here with her husband, John Steele, and lived on Horse Creek.

Q When? A I don't know what year they came.

Q Did she come in 1888? A I can't say the exact date, she was at my house in 1880.

Q Had she just moved from Kansas at that time? A No, sir, she had left her husband, he had deserted her, or drove her away some years before that.

Q How long had she been living with her husband? A I don't know, she had two children.

Q How long had she been separated from her husband when she was at your house in 1880? A Why about a year or two.

Q Then as a matter of fact she was married in Kansas, she moved to the Cherokee Nation, she brought with her her two children? A I don't know whether she brought them both here, there was maybe one born here for all I know, I never seen her from the time she moved here till after John deserted her and they were living over there on Horse Creek.

Q How old were these children at the time you saw her? A Why there was one about, I guess he must have been about four years old, Jimmie Steele, and the other was a baby.

Q In the year 1880? A No, the baby was dead in 1888.

Q Well, do you know that the baby was born here? A Why certainly it must have been.

Q Where was the elder child born? A Well I can't tell you that.

Q Did she bring it with her to the Cherokee Nation? A I don't tell that, I know she had them when she lived here.

Q Do you know about when this woman was married to her husband?

A No, sir, I don't.

Q Do you think now it was some time near about '74 according to your best recollection? A No, I can't tell when he married.

Q Only she had a child when she lived here? A Yes, sir.

Q And that child was about four years old in 1880? A I don't know whether it was that old when she moved here, but she had that child aftershe left this man, she had two when she left him.

Q Well, how old was the oldest one? A About 4 years old I said and the other one was a baby.

Q Well, she married in Kansas you say? A Yes, sir, she married in Kansas.

Q And when she quit him she lived at your house in 1880, she had been separated from that husband about one year, is that a fact? A I don't know exactly, I can't tell how many years it had been, it hadn't been so very many years; I would just run across this woman at different times and she was a Shawnee and a poor woman and she would stop with any of us that would let her.

Q How old was this eldest child in 1880? A About 4 years old, he was a little fellow walking and talking and I should judge he was about four years old.

Q Well then if that child was four years old and she was married in Kansas, what is about your best judgment as to when she moved here?

Mr. Thompson: I object to that.

Commissioner: I do too; she says she can't answer that.

Q Do you know whether this woman was registered or not? A Every Shawnee that came here was registered.

Q Do you know whether this woman was registered? A I don't know, you will have to go to the Cherokee rolls for that.

Mr. Thompson: You said a while ago that they had two years to come; did she come the first year or the second? A Yes, sir, I suppose she can tell you that.

Q I ask you if she came either the first or the second year; she had two years to come in? A Yes, sir, she came in either the first or second, she came in in one of those two years.

Mr. Baugh: Do you know whether she didn't come here till after she married? A No, she didn't.

THOMAS DAUGHERTY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Thompson: What is your name? A Thomas Daugherty.

Q What is your age? A 51.

Q Where do you live? A Live here in Vinita.

Q What is your citizenship? A Shawnee.

Q Do you know Mary Campbell? A Yes, sir.

Q How long have you known her? A I don't know, a good while.

Q Well, do you know when she came here? A Well not exactly.

Q Well about when? A She came about '70 or '71.

Q About .71? A Yes.

Q Do you know whether she came with the Shawnees, the registered Shawnees, or not? A I think so.

Q What was her name at that time? A I think her name was Steele.

Q Mary Steele? A Mary Steele.

Q Did she have any other name other than Mary Steele or Mary Campbell, did she marry again? A Mary Fisk, yes, sir.

Q Do you know where her husband has been since she came here in '71? A Why I don't exactly know, she was going around at different places as far as I know.

Q Do you know whether she has resided in the Cherokee Nation since that time? A Yes, she was in the Cherokee Nation pretty much all the time as far as I know.

Taking of testimony continued by Stenographer J.O.Rosser.

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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 cause, 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 28th of October, 1901

Commissioner

October 24th, 1901.

Taking of testimony continued in the matter of the enrollment of HUGH CAMPBELL, ET AL., C.-D.#498, as Cherokee citizens:

Former portion taken by Stenographer Bruce C. Jones.

WILLIAM POOLEY, being duly sworn by Commissioner Needles, testified as follows, on part of Applicants:

MR. THOMPSON: What is your name? A William Pooley.
Q How old are you? A About 51.
Q Where do you live? A West of here.
Q What is your post office? A I have got two of them, Vinita and Stella.
Q Did you know Mary Ann Campbell? A Yes, sir.
Q How long have you known her? A Oh, I knowed her ever since I was a boy, I used to go to school with her.
Q Well, how long has she lived in the Cherokee Nation?
A Come here when the Shawnees come here.
Q Are you a Shawnee? A That is what I claim.
Q Where has she lived since that time? A She has been living here; she used to live on Horse creek.
Q What was her name when she came here in '71 as a registered Shawnee? A Steel.
Q Did she have any other name before she married Campbell? A She used to call her Mary McLain.
Q Did she ever go by the name of Mary Fish? A After that, yes.
Q Has she lived in the CherokeeNation consecutively since '71?
A Yes, sir.

MR. BAUGH: Where was this Mary Steel born at, Mr. Pooley?
A In Kansas.
Q How long did she live in Kansas? A I don't know; she was born there; until we moved down here.
Q Where was she married at? A Up there in Kansas.
Q Did she go back up to Kansas to get married? A No, sir, not as I know of.
Q She married up in Kansas and still liveddown here? A Lived here

MR. THOMPSON: When did she marry Steel? A I could not tell you exact when; she marriedup there and moved down here, and Steel left her here and run off with a white woman.

FRANCIS FRITZ, being duly sworn by Commissioner Needles, testified as follows on part of applicants:

MR. THOMPSON: What is your name? A Francis Fritz.
Q What is your age? A 53.
Q What is your post office? A Vinita.
Q Do you know Mary Campbell? A Yes, sir.
Q How long had you known her? A I have known her ever since '77.
Q Where did you get acquainted with her? A Right here in town.
Q Did she ever work for you? A Yes, sir, she worked for me in '78.
Q Where has she lived since that time consecutively? A All around in the country.
Q What country? A Cherokee Nation.
Q You have known her ever since? A Yes, sir.
Q Known her to be living in the Cherokee Nation ever since she worked for you in 1878? A Yes, sir.

MR. BAUGH: Mr. Fritz, where did Hugh Campbell marry this woman at? A I don't know.
Q Where did you understand they were married at? A I don't know, I never inquired; they were married in the Nation here.
Q You don't know whether they were ever married at all or not?
A No, sir.

WILLIAM TOOLEY, recalled, further testified:

MR. BAUGH: Mr. Tooley, was Hugh Campbell a white man; who was Hugh Campbell? A I guess he was a white man.

Q Where was he married to this Delaware woman at; wasn't she a Delaware? A Shawnee.

Q Where were they married at? A I don't know where they were married at.

Q Were they mard ed in the Cherokee Nation? A I suppose they are, they are living here.

Q Where were they married? A I don't know, the license would show it.

Q The license here show that they were married in 1899 is that a fact? A I suppose it is.

Q By United States Court? A Yes, sir.

SILAS BLUEJACKET, being duly sworn by Commissioner Needles, testified as follows on part of applicant;

MR. THOMPSON: What is your name? A Silas Bluejacket .

Q I want your age and post office? A I am 43.

Q Post office? A Bluejacket.

Q Do you know Mary Campbell? A Yes, sir.

Q How long have you known her Silas? A Ever since I was a little boy.

Q Do you know when she movedto the Cherokee Nation? A Something like '71.

Q Have you known her ever since? A Yes, sir.

Q Where has she lived ever since that time? A She has lived at different places.

Q well where with reverence to the Cherokee Nation? A Horse Creek I think she lived a while, and lived on White Oak.

Q Has she lived in the Cherokee Nation ever since that time?

A Yes, sir, to my recollection she has.

MR. BAUGH: When did she come to the Cherokee Nation?

A Something like '71.

Q How long did she remain here now I want you to give me the dates and where she went to; about how long did she live in the Cherokee Nation; where you first knew her? A She has lived here ever since to my recollection.

Q Did she ever live in Kansas? A Yes, sir.

Q How long did she live in Kansas? A She lived in Kansas from the time before she came here.

Q And then after she came here she lived in Kansas again did she?

A No, sir. Never did to my recollection.

Q Where was she married at? I guess she was married her.

Q She was never married in Kansas? A Yes, sir, married in Kansas once.

Q Did she have any children in Kansas? A I don't know whether she had any in Kansas or not, but she was married once to a man by the name of Steel.

Q What I want to know is that; you claim she came in here in '71 or '2? A Yes, sir.

Q And you claim she lived here and there; I want to know where she lived since that time? A She lived here in the Cherokee Nation.

Q Do you know that she lived here? A I know she was here in the country.

Q How do you know that? A Locate her by information.

Q That is all you know, what you heard? A I saw her once in a while.

Q You heard from her once in a while? A I seen her once i n a while.

Q Where did you see her? A I seen her here in Vinita.

Q When? A I don't know.

Q How long did she live in Kansas after she was married?

A I can't tell you that.

Q Did she have any children born to her after she come down here?
A One.

MARY CAMPBELL, called to the stand, being duly sworn by Commissioner Needles, testified as follows in her own behalf:
MR. THOMPSON: What is your name? A Mary Campbell at the present.
Q What is your age? A 55.
Q What is your post office? A Welch.
Q What is your citizenship; are you Cherokee, Shawnee or Delaware?
A I am a Shawnee by blood.
Q When did you come to this country? A Well, Silas told you, I forget; I have been sick, I can't recollect anything any more.
Q Well, did you come with the Shawnees? A Yes, sir.
Q What was your name when you came here? A Steel.
Q What was your given name? A Mary Ann Steel.
Q What was your husband's name A John Steel, my first husband.
Q Are you on the authenticated roll of Shawnees, or Registered roll of Shawnees? A Yes, sir.
Q What was your name--did you afterwards marry again, after you and Mr. Steel parted, separated? A Yes, sir.
Q Who did you marry at that time? A Preston Fish, he was a Shawne
Q Then your name was Mary Ann Fish after you separated from Steel?
A Yes, sir.
Q And then you married Mr. Campbell? A Yes, sir.
Q Your present name is Mary Ann Campbell? A Yes, sir.
Q Have you lived here in the Cherokee Nation consecutively since you came here with the Shawnees? A Yes, sir.
Q Have you ever had a home elsewhere. A No, sir.
Q You have always lived in the Cherokee Nation since you came here with the Shawnees? A Yes, sir.
Q You are an applicant in this case? A Yes, sir.
Q You are now the wife of Hugh Campbell the other applicant in this case? A Yes, sir.
MR. RAINE: When did you come to the Cherokee Nation, Mrs. Campbell? A When the Shawnees came.
Q Well when was that? A Well, they will tell you, they knew; I told you I can't remember nothing.
Q How long did you remain here after you came here? A Always.
Q Where did you stay at when you first came here? A On Horse creek
Q How long did you live on Horse creek? A I guess I lived there ten or twelve years.
Q Did you ever move out of the country since then? A No, sir.
Q Never did? A No, sir.
Q So you married to your former husband before you ever come here and registered with the Shawnees? A To John Steel.
Q As Mary Steel was x you married when you came from Kansas in '71?
A Yes, sir, we was married there.
Q Did you have one child living when you came here? A No, sir
Q Well, afterwards did you ever marry again?
A Well, I told you.
Q Where did you marry that man at? what was his name? A Preston Fish.
Q Where did you marry him at? Where is that, at Kansas? A No, sir.
Q Well, state where it was? A In the Cherokee Nation.
Q Where? A Up there close to Afton.
COM'R NEEDLES: Is Afton in the Cherokee Nation?
A Yes, sir.
Mr. Thompson: We desire at this time to refer to the roll of Registered Shawnees, No. 621.
Com'r Needles: Applicant refers to the register of the names of members of the Shawnee tribe of Indians who have

moved to and located in the Cherokee Nation, Indian Territory, prior to the 10th day of June, 1871, within two years after the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians, through their delegations in Washington, D.C., on the 7th day of June, 1869, approved by the President of the United states on the 9th day of June, 1869, in accordance with the 15th Article of the Treaty with the United States proclaimed August 11th, 1866. This is a printed roll in the hands of the Cherokee authorities and on said roll number 621 is found the name of one Mary Steel.

MR. THOMPSON: What did you say your first husband's name was?
A John Steel.

Mr. Thompson: I desire to call attention of the Commission to the roll madeby Mr. Wallace, No. 239.

(No such roll in the possession of this Commission.

Then I desire to call attention to the Dixon roll.

(No such roll in the possession of this Commission.

Mr. Baugh: Now the Cherokee Nation desires to call attention to that portion of the agreement made by and between the Cherokee Nation and Shawnees to which it says:

"And that the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation on equal terms in every respect, with all privileges and immunities of native Cherokees in said Cherokee Nation."

And then I refer also to Section Two or Article One of the Cherokee Constitution.

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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 28th, 1901.

Commissioner.

COMMISSION [illegible]

FILED

MAY 23 1902

ACTING CHAIRMAN

D. 498. For Cherokee Nation.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

In the matter of the application of Hugh Campbell for the enrollment of himself and wife as citizens of the Cherokee Nation.

Applicant represented by W. P. Thompson, Vinita, I. T.,
Cherokee Nation represented by W. W. Hastings.

The applicant and his attorney were notified by registered letter February 12, 1902, that the application of Hugh Campbell, for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, on the 28th day of February 1902. Receipt has been acknowledged of the Commission's letter. The applicant this day, to wit the 28th day of February, 1902, appears by his attorney, William P. Thompson.

Commission: Is there any statement you desire to make relative to this case?

Mr. Thompson: Yes sir I desire to submit the license of the applicant, Hugh Campbell, to marry Alice McLain, a citizen of the Chetokee Nation; also a certificate of the marriage being solemnized by R. T. Cary, Clerk of Delaware District, C. N. That is to show that he was first married according to the laws of the Cherokee Nation; it was produced here before, and I noticed it wasn't filed, and I desire to file it at this time.

Commission: The document is filed.

Mr. Thompson: I desire at this time to call the Commission's attention to the Shawnee roll, No. 619, the name of Mary Steel. On the Wallace roll, No. 239, Mary Ann Fish appears. On the Dixon roll No. 679, Mary Steel appears. On what is known as the "seven-dollar" roll, No. 360, Mary Fish appears. On the McNichols roll, No. 160, Mary Ann Campbell appears.

Mr. Hastings: The representative of the Cherokee Nation, not knowing whether the above facts are true or not, deny the same until they are proved. I mean with reference to her name appearing on these rolls.

Commission: Is there any other statement Mr. Thompson?
Mr. Thompson: That is all.
Commission: You submit the case to the Commission?
Mr. Thompson: Yes sir.
Commission: The attorney for the applicant and the representatives of the Cherokee Nation present submit the case to the Commission. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record. The attorney for the applicant files brief in behalf of applicants stating the grounds upon which he asks enrollment.

—::—::—::—

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a full and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of February 1902.

Notary Public.

[illegible]

[illegible], June 17, [illegible].

In the matter of the application of Hugh Campbell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:

Applicant in person.

W. W. Hastings for Cherokee Nation.

COMMISSIONER: The applicant in this case was notified by registered letter June 5, 1908, to appear before the Commission to be here duly examined at its offices in Muskogee, Indian Territory, on or before June 16, 1908, and submit evidence as to his residence in the Cherokee Nation after his first marriage to his wife Alice Nelson, and as to whether or not he was a resident therein at the date of his application for enrollment, October 5, 1902.

HUGH CAMPBELL, being first duly sworn, testified as follows:

COMMISSIONER: What is your name? A Hugh Campbell.

Q How old are you? A I am now 58 years old.

Q What is your postoffice address? A Welch.

Q You claim your right to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes, sir.

Q How often have you been married? A Twice.

Q What was the name of your first wife? A Alice Nelson.

Q Where were you living when you married her? A In Delaware District, Cherokee Nation.

Q When did you marry her? A About '76.

Q How long did you and she live together? A About eighteen years.

Q Having that time did you reside in the Cherokee Nation continuously? A Yes, sir.

Q Did you ever make your home outside of the Nation? A No, sir.

Q Did you live with your wife up until the time she died? A Yes, sir.

Q Where did you continue to reside after her death? A At the same place.

Q What was the name of your second wife? A Mary Dennis.

Q She is also a citizen by blood of the Cherokee Nation? A Yes, sir.

Q Where were you living when you married her? A At this same place in Delaware District.

Q Are you living with her at this time? A Yes, sir.

Q Since you came to the Cherokee Nation in '76 have you made it your home continuously? A Yes, sir.

Q Have you ever been out of the Territory since that time? A Why I went out to get my mail at the postoffice.

Q Where were you living when you made your application to the Commission in October, 1902? A At this same place in this district over there among the Keetoowahs.

Q You were living at the old homestead on the 26th day of June, 1906, about four years ago? A Yes, sir.

MR. HASTINGS: Is your present wife a Cherokee by blood? A Well she claims to be Shawnee or Cherokee, claims both.

Q Well was she enrolled here? A Yes, sir.

Q Did she ever take an allotment over in the Peoria Nation? A No, sir.

Q How long have you known your present wife? A I first knowed her

in 1889.
Q Have you known her continuously since that time? A I first seen her in '88. I have known her occasionally ever since.
COMMISSION: Well when did you right learn to know your wife, in 1888 or in '90? A My first wife-
Q No, I mean your present wife? A I have known her since '88.
Q And then when you said since '88 you were mistaken, were you? A Why yes, sir, of course.
MR. HASTINGS: Where was she living in 1889, when you knew her, Mr. Campbell? A In Vinita.
Q Where has she been living since that time? A She's been living around there on White Oak and around Vinita and down about Afton.
Q Has she ever lived out of the Cherokee Nation? A No, sir.
Q Never has? A No, sir.
Q She ever take an allotment over in the Peoria Nation? A No, sir.
Q You lived with your first wife until her death? A Yes, sir.
Q You have only been married two times? A Yes, sir, that's all.
Q You are living with your present wife now? A Yes, sir.

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Arthur G. Grainger, 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. Grainger

Subscribed and sworn to before me this 23rd day of June, 1902.

H. T. Reuter
Notary Public.

Cherokee D-498.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1903.

In the matter of the application of Hugh Campbell for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary A. Campbell, as a citizen of Shawnee blood of the Cherokee Nation; said Mary A. Campbell being sworn and examined by the Commission, testified as follows:

Q What is your name? A Mary A. Campbell.
Q How old are you? A Fifty-four.
Q What is your postoffice address? A Welch, I. T.
Q You are an adopted Shawnee are you? A Yes sir.
Q When did you come to the Cherokee Nation? A I can't exactly tell, I came when the Shawnees came.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Ever since the Shawnees came to the nation? A Yes sir.
Q Never lived anywhere else during that time have you? A No sir.
Q What is your husband's name? A Hugh Campbell.
Q Is he a white man? A Yes sir.
Q When were you married to him? A I was married four years ago and two months; me and him lived together four years and two months.
Q How long have you known him? A Off and on ever since I came to the Cherokee Nation.
Q Did you know him in 1880? A Yes sir.
Q Who was his wife then? A She was a Mobain.
Q When did she die? A I couldn't exactly tell.
Q Is she dead? A Yes sir, she is dead.
Q About how many years before you married him? A He lived single two years before I married him.
Q Did he live with his wife in the Cherokee Nation from 1880 up until the time she died? A Yes sir.
Q You know that to be so? A Yes sir.
Q Never were separated until she died? A No sir.
Q And then two years after the death of his first wife he married you? A Yes sir.
Q You are living with him now? A Yes sir, until he died; he died the last day of September.
Q The last day of last month? A Yes sir.
Q Have you any children? A I have one boy living with me.
Q How old is he? A He is thirty years old now.
J. C. Starr: Where have you been living since 1880? A I have been living in the Cherokee Nation.
Q When did you say you married Hugh Campbell? A Four years ago and two months.

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

B. Rothenberger

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

[illegible]
Notary Public.

(Copy.) D498

In Re-application of Hugh Campbell and Wife for Enrollment on the Cherokee Roll.

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Brief in Behalf of Applicant.

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Wm. P. Thompson,
Atty. for Applicants.

Before the United States Commission to The Five Civilized Tribes

In the Matter of the Application
of Hugh Campbell for Enrollment
of himself and wife as Citizens
of the Cherokee Nation.

Statement of Facts.

The applicant, Hugh Campbell, is an intermarried white citizen of the Cherokee Nation and his name appears on the Cherokee Authenticated Roll of 1880, page 238 No. 592, on the Roll of 1896 page 567 No. 89. That his wife, Mary A. Campbell is a Shawnee and is on the Registered Shawnee Roll as Mary Steele Roll Number 621 and also on the Roll of 1896 page 357, No. 352. The evidence proves conclusively that she was in the Cherokee Nation in 1880 although her name does not appear on the 1880 Roll; That applicant and his wife have lived in the Cherokee Nation since long before the Roll of 1880, he since 1879 and she since 1871; That under the agreement between the Cherokees and Shawnees it is set out "That said Shawnees shall be incorporated into and ever afterward remain a part of the Cherokee Nation on equal terms in every respect with all privileges and immunities of Native Cherokees in said Cherokee Nation."

Argument.

That applicant, Hugh Campbell, is entitled to enrollment there is no doubt and cannot be any successful contention on that point. He was married into the Cherokee Nation in 1879 under Cherokee Law as shown by his marriage license and certificate and is on the Authenticated Roll of 1880 and this Commission is concluded when he has identified himself on that Roll as he has done conclusively in this case.

"The first contention of Applicant is that under the law that governs this Commission in the enrollment of

applicants for citizenship in the Cherokee Nation he is entitled to enrollment when he shows he is on the ~~Authenticated~~ Authenticated Roll of the Cherokee Nation of 1880 as said Roll has been authenticated and confirmed by Acts of the National Council of the Cherokee Nation and the Act of Congress. In support of this contention we quote from the Act of Congress approved June 28" 1896, commonly known as the "Curtis Act."

Sec. 22. "That in making rolls of citizenship for the several tribes, 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 preceeding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon."

The language above quoted is maddatory. It says in making rolls of citizenship this Commission is authorized <u>and directed</u> to take the roll of 1880 as already confirmed and are "authorized and directed to enroll <u>all persons</u> now living whose names are found on said roll." It seems from this language that "all persons" are entitled to to enrolled whose names are found on said roll (not including freedmen") regardless of whether theyare Indians by blood or adoption, without distinction. The section above quoted shows conclusively that it made no distinction for the reason that its express terms makes the only exception where it says ("not including freedmen".) If there had been other or further exception it would have been so expressed when the freedmen exception was saved in express words. The general rule of law is that where the legislature undertakes to modify the general provisions of law by express exceptions that the

law is binding in its provisions except to the exception expressally saved and is confined solely to the restriction named in the exception. Sec. 222, page 294 and the sections following on the same subject found ing Southerland on Statuttory Construction.

There is also one other exception which I failed to mention and that is where party is dead whose name appears on the Roll of 1880. This applicant does not come within either of these two exceptions as he is neither a freedman nor dead. This commission is concluded when a live applicant who is not a freedman presents himself for enrollment and identifies himself as the person whose name appears on the Roll of 1880. This, This applicant has done to the entire satisfaction of any reasonable person.

Again the applicant claims to be on all the other Rolls made by the Cherokees subsequent to 1880 and he must be enrolled unless the Cherokee Nation shows fraud, which hass not been done in this case.

As to the second ground of contention that he married a second timein July 1899. The record testimony of sworn ~~evidence~~ witnesses in this case shows that he got license from the United States Court and was married to his present wife Mary A. Campbell, formerly Fish, and before that Mary A. Steele, who is a registered Shawnee on the Shawnee Roll as Mary Steele; and on the Cherokee Roll of 1896; The evidence in this case discloses the fact that she was deser ted by her former husband, John Steele and there is no showing whether he is alive or dead and whether her marriage to Hugh Campbell was a legal marriage or not, but I submit if it was not a legal marriage Hugh Campbell is entitled to be enrolled by virtue of his first marriage and by virtue of his name appearing on the Rolls of 1880 and 1896. If this is a legal marriage he is nevertheless entitled to be enrolled as he was already a citizen when he married this citizen Shawnee who under

the agreement in evidence in this case says "And that the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation on equal terms in every respect with all privileges and immunities of Native Cherokees in said Cherokee Nation." page 406 Compiled Laws Cherokee Nation, 1892. This bring us to the question of the rights of his wife to be enrolled with the applicantas- Agreement with Shawnees page 406 Compiled laws says,( following the language above quoted,) Provided, that all of said Shawnees who shall elect to avail themselves of the provisions of this agreement, shall register their names, and permanently locate in the Cherokee Country, as herein provided, otherwise they shall forfiet all rights under this argument."

The proof is overwhelming that she registered as "Mary Steele" on the Registered Shawnee Roll No. 621 and that she moved to the Cherokee Nation with the other Shawnees in 1871 or 1872 within the two years and has lived here ever since. This is conclusive from all the evidence inthe case and she ought to be enrolled. It would be a denial of right and justice under all the evidence in this case to reject them.

Respectfully Submitted.

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Atty. for Applicants.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., May 8, 1902.

In the matter of the application of
Hugh Campbell for the enrollment of
himself and wife as citizens of the
Cherokee Nation.

Cherokee D. 488

BRIEF ON BEHALF OF THE CHEROKEE NATION.

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The applicant, Hugh Campbell, is ~~xxxxxxxxxxxxxxxxxxxxx~~ a white man, and has been married twice; his name appears upon the roll of 1880 as an intermarried white man, having married prior to that time in accordance with the laws of the Cherokee Nation. The name of his present wife does not appear upon the roll of 1880, and the Cherokee Nation contends and insists that inasmuch as that roll was confirmed by Act of Congress that this Commission has no authority or jurisdiction to go behind said roll, or to enroll any person born prior to that time whose name does not appear thereon, unless that person was admitted to citizenship in the Cherokee Nation subsequent to that time; that the roll of 1880 shows the number and status of the persons determined to be citizens of the Cherokee Nation by the National Council of the Cherokee Nation at that time; and that it is a complete number. And that none of the testimony in this case tending to show that this applicant's wife is a citizen of the Cherokee Nation or that she has continuously resided in the Cherokee Nation is competent testimony, inasmuch as her name does not appear upon the roll of 1880, and there is no contention that she has been admitted to citizenship in the Cherokee Nation subsequent to that time.

We respectfully submit that we do not believe she is entitled to enrollment under the law, and if the wife is not entitled to enrollment the husband lost his rights under Section 666 by his marriage to her, and neither is entitled to be enrolled.

Respectfully submitted,

Attorney for the Cherokee Nation.

W. H. M.

Cherokee D-498.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Hugh Campbell for the enrollment of himself and his wife, Mary A. Campbell, as citizens of the Cherokee Nation.

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## DECISION.

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The record in this case shows that on October 3, 1900, Hugh Campbell appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary A. Campbell, as a citizen by blood of the Cherokee Nation. Said Mary A. Campbell also appeared at the same time and place and testified in her own behalf. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 4, 1901, and at Muskogee, Indian Territory, on February 28, 1902, June 16, 1902, and October 21, 1902.

The evidence in this case shows that Hugh Campbell was lawfully married in 1879 to one Alice McLain, a citizen by blood of the Cherokee Nation. Said Hugh Campbell is identified on the Cherokee Authenticated Roll of 1880 and the Cherokee Census Roll of 1896. The evidence further shows that his said wife died in 1897, and that he thereafter married his present wife, Mary A., a citizen of the Cherokee Nation of Shawnee blood, and the widow of a former husband, one Fish. Mary A. Campbell is identified, under the name of Mary Steel, in a certain register of names of those who located in the Cherokee Nation under the terms of the treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians on June 7, 1869, and approved by the President of the United States on June 9, 1869. She is also identified on the Cherokee Census Roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666 of the Compiled Laws of the Cherokee Nation, (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence further shows that Hugh Campbell secured rights of citizenship through intermarriage with his first wife, Alice McLain, and that, subsequent to her death, he married his present wife, Mary A., a Cherokee citizen of Shawnee blood.

The evidence further shows that Hugh Campbell resided in the Cherokee Nation continuously with his first wife, Alice, from the time of his marriage to her up to her death, and continued to reside therein until his marriage to his present wife, Mary A., from which time he and his present wife, Mary A., have continuously resided in the Cherokee Nation up to and including September 1, 1902. Mary A. Campbell has been a continuous resident in the Cherokee Nation since 1871.

The evidence further shows, as evidenced by a death affidavit made a part of the record herein, that the said Hugh Campbell died on September 30, 1902.

Section twenty-five of the Act of Congress approved July 1, 1902, (Public No. 241), duly ratified as provided for in Section seventy-five thereof, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that Hugh Campbell should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Mary A. Campbell should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this FEB -1 1903

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-498

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Hugh Campbell for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary A. Campbell, as a citizen by blood, of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enc. M-1224

IN THE MATTER OF THE APPLICATION OF

Hugh Campbell Dead

ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/3/00.
B. Memo. of application of 10/3/00.
C. Supplementary testimony of 10/3/00.
D. Marriage license and certificate
E. Letter to atty. Preston S. Davis re
ation to copy of testimony sent him
F. Receipt for testimony H. O. Kemp
G. Supplementary testimony 10/24/
H.

Decision

H. Notice of final consideration 3/28/02
I. Marriage license & cert.
J. Brief of affidavits
K.
L. Supplemental testimony and order
closing testimony, Oct. 28, 1902

Cher D 499

D497

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I T., OCTOBER 3d, 1900.

In the matter of the application of George W. Edens for the enrollment of himself and wife as citizens of the Cherokee Nation; said Edens being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A George W. Edens.
Q What is your age? A 44.
Q What is your post office address? A Afton.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A No, sir.
Q Intermarriage? A Yes, sir.
Q For whom do you apply for enrollment? A Myself and wife.
Q What is the name of your wife? A Frances
Q Is she a citizen by blood? A Yes, sir.
Q What was her name before you married her? A Raulston.
Q When did you marry her? A 1894.
Q Have you been living with her since your marriage? A Yes, sir.
Q Is she your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
Q Any children? A No, sir.
Q Have you certificate of marriage ? A Yes, sir.
Q She is not on the 1880 roll, by what right does she claim citizenship? A Her father was not admitted in time to be on the 1880 roll.

Applicant presents a marriage license duly authenticate and marriage certificate certifying that he was married to one Miss. Frances Raulston a citizen of the Cherokee Nation on the 14th day of June, 1894.

Q Have you a certificate of admission? A I have a

Applicant presents a certificate of Admission to Cherokee Citizenship, issued from the Commission on Citizenship, Tahlequah, September 14, 1880, in Case No. 2; said Commission certifying that one Louis Raulston was admitted to citizenship on the above named date? Said certificate being signed by Roach Young, Presidence, William Harnage and G. W. Mayes, Associate Commissioners, attested by J. B. Mayes, Clerk. The authenticated attest being of said certificate being certified to by J. T. Adair, Asst. Executive Secretary, under the seal of the Cherokee Nation?

Q What is the date of your wife's birth? A 1872.
Q This certificate does not admit your wife? A Noe, sir, the Court at that time said there was no use in admitting minors.

1896 enrollment; page 570, #158, George W. Edens, Delaware.
1896 enrollment; page ~~XXX~~ 476, #1031, Frank Edens, Delaware.

Q How long have you lived in the Cherokee Nation? A Ever since 1894.
Q Living here continuously? A Yes, sir.

The name of George W. Edens appears upon the ~~xx~~ census roll of 1896, and he presents proof of marriage to one Frances Raulston, who he claims to be a citizen by blood, in the year ~~1882, xxxx the~~ 1894, and the name of Frances Raulston appears upon the census roll of 1896, as Frank Edens. Her name does not appear upon the authenticated roll of 1880. The applicant presents a certificate, more particularly described in the testimony, certifying that his wife's father, one Louis Raulston was admitted to Cherokee Citizenship in the year 1880, and the name of his wife Frances, is not found in said certificate. He avers that she was an minor at that time and that it was not necessary for her to be admitted. She having been born in the year 1872 about eight years before the Admission of her father. The parties are satisfactorily identified according to the page and number of the roll and made satisfactory proof as to their resudence, but from the fact that the name of Frances Raulston,

George W. [illegible]

[illegible] applicant's wife, [illegible] not appear in the certificate of Admission [illegible] as exhibits, [illegible] judgment as to the enrollment of the said [illegible] W. Sims as an intermarried citizen and his wife, Frances [illegible], as a citizenship claim, will be suspended and their names will be placed upon a doubtful card.

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I, O. Ragsdale, being first duly sworn, states that as stenographer to the Commission of 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. Ragsdale

Subscribed and sworn to before me this 5th day of October, 1900.

[illegible]

Commissioner.

D499

FILED
1992

Commissioner.

Subscribed and sworn to before me this 20th day of July, 1992.

Notary Public

My Commission Expires

D 499

"R"

Cherokee D 489

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 27,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of George W. Edens for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:
Luman F. Parker, Jr., of Hutchings, West and Parker, Vinita, I. T., attorneys for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12th, 1902, that his case would be taken up by the Commission for final consideration on the 28th dayof February, 1902. Receipt has been acknlweedged of the Commission's letter, and the applicant this day, to-wit: the 27th day of February, 1902, appears before the Commission by his attorneys, Hutchings, Parker and West, of Vinita, Indian Territory, and by agreement with the representative of the Cherokee Nation present this case is taken up for consideration. Thereis offered in evidence a marriage certificate filed in the case of John M.Smith, D 446, being thatof Lewis Ralston to Miss Eliza Pastell, who were married in 1859 by J. W. Woody, a Minister of the Gospel.

The following entry appears upon page 2 of the Docket of the Cherokee Commission on Citizenship in the year 1880:
"Commission on Citizenship, Tahlequah, C. N.
Case No.2.
Lewis Ralston,
vs
Cherokee Nation.
(Petition for Citizenship filed June 8,1880.)

The above case continued until September Term, 1880, by the Cherokee Nation, set for the 15th Sept.

The above named claimant, Lewis Ralston, claims his right to citizenship in the Cherokee Nation on account of Cherokee blood, being a relative of the late Judge John Landen and James Kell, of Delaware District, C. N., well known Cherokees.

The testimony in the case proves conclusively to the Commission that the petitioners claim is well founded- that he is an immediate descendant of the Kell family long known to be Cherokees by blood.

The Commission therefore hereby decide to admit the said Lewis Ralston to all the rights, privileges and franchise of Cherokee citizenship by blood.

Reach Young, President Com.,
Wm. Harnage,
G.W.Mayes, Assistant Commissioners.
J.B.Mayes, Clerk Com."

The attorneys for the applicant and the representative of the Cherokee Nation present submit this case and sameis ordered closed and reported to the Commission for final decision, based upon the ~~pritiiin~~ evidence now of record.

The attorneys for the applicant request and will be granted ten days in which to file breief in this case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

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[illegible]

[illegible]

Subscribed and sworn to before me this February [illegible]

[illegible]

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of October, 1902.

Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of George W. Edens for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Frances Edens as a citizen by blood of the Cherokee Nation.

Supplemental to D-499.

Appearances:
Applicant appears in person.
Cherokee Nation by J. C. Starr.

GEORGE W. EDENS, being duly sworn, testified as follows:-
Examination by the Commission.

Q. What is your name, Mr. Edens? A. George W.
Q. What is your age at this time? A. 46.
Q. What is your post office address? A. Afton.
Q. Are you the same George W. Edens who applied to the Commission on October 3rd, 1900, for enrollment as an intermarried citizen of the Cherokee Nation? A. Yes, sir.
Q. What is your wife's name? A. Frances.
Q. What was her maiden name? A. Raulston.
Q. Is she a citizen by blood of the Cherokee Nation. A. Yes, sir.
Q. When were you and she married? A. In 1894, I forget the month.
Q. Were you married under a Cherokee license? A. Yes, sir.
Q. You have filed that already with the Commission, have you?
A. Yes, sir.
Q. Was she ever married prior to her marriage to you? A. No, sir.
Q. Were you ever married prior to your marriage to her? A. No, sir.
Q. She is your first wife? A. Yes, sir.
Q. You are her first husband? A. Yes, sir.
Q. Have you and she lived together continuously as husband and wife from the time of your marriage up to the present time?
A. Yes, sir.
Q. Were you living together as husband and wife on the first day of September, 1902? A. Yes, sir.
Q. Never have been separated? A. Never have been separated.
Q. How long have you lived in the Cherokee Nation? A. Ever since I was married in 1894. I think it is June, 1894.
Q. Lived here continuously since your marriage in 1894?
A. Yes, sir.
Q. Made this your home? A. Yes, sir.
Q. Lived no where else? A. Lived no where else.
Q. How long has your wife lived in the Cherokee Nation?
A. I think they came here in 1880?
Q. Has she lived here for the last 12 or 15 years? A. Yes, sir.
Q. Continuously? A. Continuously.

[illegible] that [illegible]
[illegible] thereof.

[illegible] O Carr

Subscribed and sworn to before me this [illegible] day of October, 1908.

T. B. Jones
Notary Public.

Cherokee D-499.

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

In the matter of the application of GEORGE W. EDENS for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Frances Edens, as a citizen by blood of the Cherokee Nation.

## D E C I S I O N.

The record in this case shows that on October 3, 1900, George W. Edens appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Frances Edens, as a citizen by blood of the Cherokee Nation. On February 27,1902,applicants, by their attorney,appeared before the Commission at its office in Muskogee, Indian Territory, and further proceedings were then and there had in the matter of this application, and again on September 29, 1902.

The evidence shows that George W. Edens was lawfully married in accordance with the laws of the Cherokee Nation, on June 14, 1894, to Frances Edens, nee Ralston. Frances Edens is the daughter of Louis Ralston, who was admitted to citizenship in the Cherokee Nation on September 14, 1880. She was eight years old at the time of her father's admission to citizenship. George W. Edens and his wife, Frances, are identified on the Cherokee Census Roll of 1896.

The evidence further shows that George W. Edens and his wife, Frances Edens, have resided in the Cherokee Nation continuously, as husband and wife, since 1894, and were residents thereof, as such, on September 1, 1902.

It is, therefore, the opinion of this Commission that George W. Edens should be enrolled as a citizen by intermarriage, and that Frances Edens should be enrolled as a citizen by blood, of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898,(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 499.

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of George W. Evans for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Frances Evans, as a citizen by blood, of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enclosure H. No. 26.

IN THE MATTER OF THE APPLICATION OF

George W. Edens et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/3/00.
B Memo. of application of 10/3/00.
C. Marriage license
D. Notice for testimony
E Notice of final consideration, 2/28/02.

F Proof of applicants.
G Sworn test & order dismiss test 2/28/02

Transferred to Chero

Cher D 500

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3, 1900.

In the matter of the application of Zeno M. Cox for enrollment of himself and one child as citizens of the Cherokee Nation, said Cox being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Zeno M. Cox.
Q How old are you? A 48.
Q What is your postoffice address? A Vinita.
Q In what district do you live? A Coweescoweee.
Q Who do you want to have put on the roll? A Myself and one child.
Q Do you apply as a Cherokee by blood. A No sir.
Q White man? A Yes.

Applicant presents a marriage license issued by the Clerk of Delaware district November 2, 1885, authorizing his marriage to Miss R. J. Duncan. The certificate shows that they were married in accordance with said license on the 4th day of the same month and year by R. J. Parks. Mr. Parks does not indicate whether or not he is a clergyman.

Q Who was R. J. Parks? A He was a minister of the gospel and well known as such.

He has been identified as a minister of the gospel and this is filed herewith.

Q R. J. Duncan, she was a Cherokee, was she? A Yes
Q Is she alive ~~and living~~ dead? A Alive.
Q How long did you live with her? A About 4 years.
Q You were then separated from her? A Yes.
Q Have you copy of the decree of divorce? ~~A~~

The applicant presents an official certificate from the Assistant Executive Secretary of the Cherokee nation, showing that the records show that judgment was given to Z. M. Cox, v. Rebecca Cox, at the September term of '94, judgment being given by default. This is presumed to relate to divorce proceedings, but the record does not state so in specific terms. It is filed herewith.

Q You and your wife separated about '89? A Yes.
Q Lived with her four years? A Yes.
Q And you did not marry between that time and '94? A No sir, not until last December.
Q You are married at this time? A Yes.
Q To whom are you married now? A Emma Ellidge.
Q When did you marry her? A December last year.
Q You never married from the time you and your first wife separated until December last year when you married your present wife? A No sir.
Q Have you certificate of your marriage to your present wife? A I have at home.
Q Is she a Cherokee woman? A Yes.
Q What was her maiden name? A Beck.
Q Was she married before she married you? A Yes.
Q Is she on the roll of '96 as Ellidge? A Yes.
Q Have you lived in the Cherokee Nation ever since you were married to your first wife in '85? A Yes.
Q Give me the names of your children? A J.B., 14 years old.

On '96 roll, page 453, number 702.

Q Is this child by your first wife? A Yes.
Q This child is living now? A Yes.

Applicant's former wife on '80 roll, page 246, number 749, as Rebecca J. Duncan.

Applicant's present wife on '80 roll, page 287, number 306, as Emma Beck.

Applicant on '96 roll, page 567, number 80.

Applicant's present wife on '96 roll, page 466, number 1088 as Ellidge.

Q In the divorce from your first wife the divorce was granted to you? A Yes.

Q Did you abandon your wife or did she abandon you? A She abandoned me.

Q Did she leave you alone? A Yes.

The applicant applies for the enrollment of himself and one child. He is shown to have married a Cherokee woman in 1896. That wife is identified on the roll of 1896 as a Cherokee. He states that they lived together about five years and then separated, and that he procured a divorce from her in 1904. The original records copy of the record filed herewith is not complete as it does not state in terms that the proceedings had a divorce proceeding. The applicant states that he has lived in the Cherokee Nation ever since his marriage in '96, and he is identified on the roll of 1896 of his married wife the past year since his alleged divorce, and his wife presumptively is identified on the rolls of 1896 and '96. She has appeared in her own application and acknowledge him as her husband, which with his own make satisfactory personal testimony as to the present marriage, but his application for his own enrollment will, for the present, be placed upon a doubtful card to consider what may exist or any evidence that may arise with reference to the applicant's separation from his first wife. He will be classed as a Cherokee by intermarriage.

His child, J. R. Cox, is identified on the roll of '96 and is living now. The child's age corresponds to the married life between the applicant and his Cherokee wife, and he will be listed now for enrollment as a Cherokee by blood.

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

B McDonald

Subscribed and sworn to before me this 4th day of October, 1906.

C Wheeler

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 18th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Zeno M. Cox, Cherokee D.card #500

Appearances:
Preston Davis for the applicant
J. L. Baugh for the Cherokee Nation.

ZENO M. COX being first duly sworn by the Com'r T. B. Needles, testified as follows on behalf of himself-
( By Mr. Davis )
Q What is your name? A Zeno M. Cox.
Q What is youre age? A 40.
Q You are the applicant in this case? A Yes sir.
Q Mr. Cox, I see you have presented and filed here a judgment from the assistant Executive Secretary of the Cherokee Nation, showing a judgment rendered in your favor in a case in which Zeno M. Cox was plaintiff and Rebecca Cox was defendant, which judgment is in your favor by default. A Yes sir.
Q What court was that judgment rendered? A In the Circuit court of Delaware district.
Q What was that suit for? A Divorce.
Q Who was this Rebecca Cox? A My wife.
Q Did you ever sue your wife in the Cherokee Courts in any other suit except this suit you mention? A No sir, that is the only case I have ever had in the Cherokee courts of any kind, and I got the divorce and the custody of the child.
Q Was the custody of the child granted you in this case? A Yes sir.
( By Baugh )
Q What was the maiden name of your first wife? A Rebecca J. Duncan
Q How long did you live with her? A About four years.
Q After you separated from her you sued her for divorce? A Yes sir
Q Did you afterwards marry? A Yes sir.
Q How long after you were granted the divorce? A A year ago last December.
Q What was your present wife's name when you married her? A Elledge.
Q Was she a widow woman? A Yes sir.
Q Was she a citizen of the Cherokee Nation by blood? A Yes sir.
Q What was the name of her former husband? A William Elledge.
Q Is he living or dead? A Dead.
Q Was he dead when you married her? A Yes sir, got killed by lightnen
Q You say your wife didn't appear against you and the case simply went by default? A Yes sir.
Q Is she living now? A Yes sir.
Q What is her name now? A Lawrence.
Q Where does she live now? A Estella, I. T.
( By the Commission )
Q You sued your first wife for divorce yourself? A Yes sir.
Q You have no copy of the divorce proceedings? A I have a copy of it certified to by the Clerk, I had him go before a Notary Public that and this other is all that I have.
Q Was there no record made? A I supposed there was at the time.
Q What court was this in? A The District court, I mean the Circuit Court of Delaware district.
Q Have you had the records searched, have you had them examined? A I sent for it and this is all I got.
Q You claim your citizenship by virtue of your former marriage with your first wife? A Yes sir.
( By Baugh )
Q What was the cause of the separation between you and your wife? A Desertion.
Q Why did she do that? A Never had any cause, she got mad and left, she got mad two or three times and left and at last staid away.
Q From no cause on the part of yourself? A No sir, I had witnesses at court to prove it too, but she did not appear and so I did not

use them.
( By Davis )
Q Did you ever try to get her back? A I fetched her back two or three times.
( By the Commission )
Q How many children did you have by her? A Two dead.
Q Have you no living children? A Yes sir one.
Q Did you always have a home provided for her? A Yes sir.
Q You were living there when she left? A Yes sir—I got her as good a home as I could.
( By Davis )
Q You had made that home yourself? A Yes sir.
( By the Commission )
Q You never had a home yourself until you married ? A I made it with my work and money,and gave it to her when she left.
Q She was an Indian citizen and you was a white man and it was on her land that you made a home? A I made the improvements and when she left I gave them to her.
( By Mr. Davis.)
Q You broke out the land and fenced it and improved it with your money and labor and then you turned it over to her when you separated? A Yes sir.

BY MR. DAVIS: The applicant desires to introduce the amendments of the Constitution of the Cherokee Nation relative to the intermarriage and adoption of white citizens into the tribe as in the sections containing those subjects,and made a part of the Compiled Laws of the Cherokee Nation for 1892.

( By the Commission of applicant )
Q You say you made these improvements with your money and labor?
A Yes sir.
Q Did she work any there? A Yes sir in the house.
Q The same as any other woman would work? A Yes sir.

( BY MR. BAUGH: The Cherokee Nation claims the right to show that the Amendments to the Constitution have never been formally adopted in compliance with the Constitution itself.

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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 21st of October, 1901.

C. R. Breckinridge
Commissioner.

Supl.C.-D.#600.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 26th, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of Zena M. Cox as a Cherokee citizen:

APPEARANCES:
Mr. P. S. Davis, Attorney for applicant;
Mr. W. W. Hastings, for Cherokee Nation.

Mr. Davis: The applicant offers in evidence Section 5 of Amendments to Article 3 of the Cherokee Constitution, approved 28th day of November, A.D., 1866, as found on page 33 of the compiled laws of the Cherokee Nation, edition of 1892.

Also Article 16, entitled: "Intermarriage of white men and foreigners," Sections 659 to 669 inclusive, as found on pages 329-34 inclusive, of the Compiled laws of the Cherokee Nation, edition of 1892.

I desire to further offer in evidence on the part of applicant the affidavit of John E. Duncan, the ex-circuit Clerk of Delaware district, in which affidavit is testimony concerning the record in a divorce case that has been already testified to in this case, and which the proof shows we have been unable to get anything further than the bare statement that there was such.

Mr. Hastings: Now, if the Court please, I will certainly object to this affidavit being introduced as it does not purport to be a part of any court record, it just being an affidavit certified to by a Natory and that bei ng the Attorney himself, and I know John E. Duncan is alive and is accessible.

Com'r Needles: The affidavit is refused because the rule of this Commission is that all witnesses shall appear in person before the commission so they can be examined by the adverse parties, and no reason is shown why the witness can't appear in person.

(To which the attorney for applicants excepts.)

Mr. Davis: I acknowledge he was alive, but I don't acknowledge we can get him; so far the applicant has failed.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tri bes 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 28th, 1901.

Commissioner.

D. 500.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of Zeno M. Cox for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by S. F. Parks, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 12, 1902, that his application to be enrolled as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit the 28th day of February, 1902, appears by his attorney, S. F. Parks, Vinita, I. T.

COMMISSION: Is there any statement you desire to make relative to this application?

MR. PARKS: Nothing only I want to offer a certified copy from the Executive Secretary. Applicant, by his attorney, S. F. Parks, offers in evidence a certified copy from J. T. Parks, Executive Secretary of the Cherokee Nation and custodian of the records of the Cherokee Nation, a certified copy of an entry made in the case of Zeno M. Cox vs. Rebecca Cox, in which case judgment by default was taken. The certificate further shows that the above entry is the only record to be found in the Executive Office of the Cherokee Nation in connection with said cause, and that the papers in connection with same have been lost or destroyed.

COMMISSION: You submit the case to the Commission for final consideration?

MR. PARKS: Yes, sir, I wish to file a brief.

COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case, andthe same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record. The attorney for the applicant files a brief in the matter of the application of the said Zeno M. Cox for enrollment as a citizen of the Cherokee Nation.

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Arthur G. Croninger, being 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 28th day of February, 1902.

D. B. Tone

Commissioner.

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

FILED
OCT 18 1902

Q Since your separation in [illegible], have you married again?
A Yes sir.
Q What is your last husband's name? A Morgan in Nora G. Cox.
Q What is she, a white woman? A Yes sir.
Q Have you and the husband [illegible] the present time? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About twenty years.
Q For the past twenty years continuously? A Yes sir.
Q How long has your wife Rebecca L. lived in the Cherokee Nation?
A She lived here all her life; she never have been in Kansas.
Q Did she live over nine IEOT? A Yes sir.
Q How long has your present wife lived in the nation? A All of her life.
Q Which one of these women [illegible] A All of
A The first one.
Q The last one [illegible]
Q You and she were living together, [illegible]
Morgan? A Yes sir.
Q You live in the Cherokee nation? A Yes sir.

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The undersigned, being duly sworn, states that he is a stenographer in the Commission to the Five Civilized Tribes and that he took the testimony in the foregoing case and that the same is a true and correct transcript of the stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 4th day of October, 1902.

[illegible]
NOTARY PUBLIC.

Cherokee D-500.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Sept., 29, 1902.

In the matter of the applicat on of Zeno M. Cox for the enrollment of hi self as a citizen by intermarriage of the Cherokee Nation, he being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Zeno M. Cox.
Q What is your age at this time? A About 50.
Q What is your postoffice address? A Estella.
Q You claim as an intermarried citizen, do you Mr. Cox? A Yes, sir.
Q What is your wife's name? A Rebecca J. Cox.
Q What was her maiden name? A Duncan.
Q Is she a citizen by blo d of the Cherokee Nation? A Yes, sir.
Q Were you ever married prior to your marriage to her? A Yes, sir.
Q How many times? A Twice in the States.
Q Were these wives living? A No, sir, both dead before I married this woman.
Q Was your present wife ever married before her marriage to you? A No, sir.
Q When were you a d she married? A I declare I forget, but it was in '85 or '6, you have my certificate on file.
Q Have you and your wife Rebecca J. lived together as husband and wife continuously from the time you were married up unitl the present time? A No, sir.
Q Have you separated? A Yes, sir.
Q When did you separate? A I think it was in '94, the September term of Court, I think it was.
Q Where were you living when you separated? A Delaware District, Cherokee Nation.
Q What was the cause of the separation? A She just got dissatisfied and left.
Q Have you offered any proof heretofore, had other witnesses besides yourself? A I have a certified copy of the record showing that it went by default.
Q What Court did you obtain a divorce in? A Circuit Court, Delaware District, in September, '94, I think it was; I got the child.
Q You got t e divorce on t e grounds of desertiion? A Yes, sir.
Q Were you living in the country or intown at the time? A In the country.
Q Living on a farm? A Yes, sir.
Q She leave the place? A Yes, sir.
Q On what place were you living? A On my own place.
Q Do you still live on the same place? A No, sir, I divided with her, and each one sold it.
Q After you separated did you still remain on that place or she? A Oh, yes, I did a long time.
Q Where did she go? A Back to her father's, she come two or three times and stayed a week or two, and she would come back.
Q Did you make any effort to get her to stay with you? A I did the first time, when she wanted to go, a fterwards I left her go.
Q How long would she stay at one time? A A month or a little over.
Q Everything moved along all right then? A Yes, sir.
Q And then she left and finally stayed away altogether? A Yes, sir.
Q Di you treat her a l right, and provide for her as well as you were able? A Yes, sir.
Q And just left you without any cause? A he wasn't satisfied, and left me.
Q Since your separate!

W-Rene M. Cox.

Q Since your separation in '94 and divorce, have you married again?
A Yes sir.
Q What is your last wife's name? A Her name is Emma J. Cox.
Q What is she, a white woman? A She is a Cherokee.
Q Have you and she lived together since your marriage up until the present time? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About twenty years.
Q For the past twenty years continuously? A Yes sir.
Q How long has your wife Rebecca J. lived in the Cherokee Nation?
A She lived here all her life; she might have been born in Kansas; it seems to me they were out of here during the time of the war, and I think I heard her say she was either born in Kansas or right after she came back.
Q Did she live here ever since 1880? A Yes sir.
Q How long has your present wife lived in the nation? A All of her life.
Q Which one of these women did you marry under a Cherokee license?
A The first one.
Q The last one you didn't take out a Cherokee license? A No sir, married under United States Court.
Q You and she were living together on the first day of September, 1902? A Yes sir.
Q And living in the Cherokee Nation? A Yes sir.

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

E. G. Rutherford

Subscribed and sworn to before me this 15th day of October, 1902.

B. O. Jones
Notary Public.

D--500.

BEFORE THE COMMISSION TO
THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Zeno M. Cox, et. al.,

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BRIEF AND ARGUMENT IN
BEHALF OF APPLICANT.

- - - - - : - - - -

S. F. Parks.
Attorney for applicant.

Before the Commission to the Five
Civilized Tribes, Muscogee, I.T.

In the matter of the application
of Zeno M. Cox, for the enrollment of
himself and minor child, J. D. Cox.

BRIEF AND ARGUMENT OF APPLICANT.
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The testimony in this case shows that the applicant, Zeno M. Cox, as a citizen of the United States, procured a license from the Clerk of Delaware District, Cherokee Nation on the 2nd. day of November 1885, in compliance with the laws of said Nation, governing the intermarriage of white men with Cherokee women, authorizing his marriage to R. J. Duncan and that on the 4th day of said month the applicant and the said R. J. Duncan were united in marriage by one R. J. Parks, a minister of the Gospel and identified as such; that the applicant lived with his wife, R. J. Cox about four years and that afterwards she deserted him and that thereafter, applicant sued her for a divorce in the Circuit Court of Delaware District in the September term 1894; that the following entry and proceedings were had as is shown by the certified copy herewith filed, from the Executive Secretary of the Cherokee Nation:

"Civil Docket for Sept. Term Circuit Court 1894."

Wm. M. M. Cox | Judgment by
vs | Default."
Rebecca Cox

That said certificate from the Executive Secretary, who is Custodian of all the records and papers of the Cherokee Courts, further shows that this is the only entry made in said records in connection with said cause and that the papers consisting of complaint, etc. have been lost or destroyed- thus calling for the next best evidence in the case which would be oral testimony of parties as to the contents of said papers lost or destroyed and rendering competent the testimony of the applicant as to what he sued for.

The applicants testimony in this connectionis that he was plaintiff in said cause and that Rebecca Cox, his then wife, was defendant; that the grounds for his divorce as was alledged in his complaint, was desertion and that he also sued for the custody of his minor child, J. D. Cox; that the entry above refered to is the one made in the case in which he sued his wife, Rebecca Cox for a divorce on the ground of desertion and that this was the only lawsuit he ever had in the Cherokee Court. The testimony of the applicant also shows that Rebecca Cox, his wife deserted or abandoned him and that the applicant did not abandon his then wife.

Applicants testimony furthur shows that after said decree was granted dissolving the bonds of matrimony then existing between himself and Rebecca Cox, his wife and after he was given custody of his minor child, he did not marry again until December last, at which time he married one Emma Illige, a recognized citizen of the Cherokee Nation, whose name is identified on the 96 roll as Illige. P. 466. No. L. 028 and on the 80 roll, P. 287. No. 306 as Emma Beck and that she comes before the Commission and acknowledges applicant as her husband. The record furthur shows that applicants former wifes, name appears on the 80 roll, P. 846, No. 769 as Rebecca J. Duncan and that the name of the child, J. D. Cox, by this woman appears on 96 roll. P. 453, No. 702 and that the applicants name appears on the 96 roll P. 567. No 80.

The contention of the applicant, Zeno M. Cox is that he is an adopted citizen of the Cherokee Nation; that he has complied with the laws governing such intermarriage and that as such intermarried citizen he he is entitled to enrollment; that he has done nothing that would work as a forfeiture as such citizen but has kept within the purview of the law as shown by the proceedings hereinafter recited:

After living with his first wife Rebecca Cox, some four years he sued her for a divorce in a court of competent

jurisdiction. Compiled Laws of Cherokee Nation, page 346. Sec. 693. " A divorce from the bonds of matrimony may be adjudged by the Circuit courts of this Nation, on an action brought in the district where the parties or one of them reside, on application by petition or complaint of the aggrieved party."

That the grounds of thi action was desertion or abandonment. Idem. Sec. 695.

"A divorce from the bonds of matrimony may be adjudged for either of the following causes, viz: for adultery, for imprisonment for three years or more, for wilful desertion and neglect for the term of one year, next preceding the filing of the complaint or petition, -etc."

That in said action, judgment by default was taken. Idem. Sec. 248. "If at the third calling of any case, at any term, the defendant does not appear in person or by attorney, the court shall proceed to ascertain if the summons in the case has been duly served according to law, and if so, the absence of the defendant shall be taken as confession of judgment and the court may, upon motion of plaintiff, render final judgment in such case accordingly."

That thereafter in the month of December 1900, applicant married a Cherokee by blood and a recognized citizen as is shown by the testimony in this case.

To forfeit whatever rights, the applicant has as an adopted citizen, he must do one of three things, namely : 1.. Abandon his wife. 2. Marry a white woman or person ( as the case may be) having no rights of cherokee citizenship by blood. 3. Remove with his effects without the limits of the Cherokee Nation and become a citizen elsewhere.

Neither of which the testimony in this case shows the applicant, Anne L. Cox, to have done.

S. F. Davis.

Attorney for applicants.

Cherokee D-500.

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

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In the matter of the application of Zeno M. Cox for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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# DECISION.

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The record in this case shows that on October 3, 1900, Zeno M. Cox appeared before the Commission at Vinita, Indian Territory and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his child, J.D.Cox, as a citizen by blood of the Cherokee Nation. J. D. Cox has been differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 18, and October 26, 1901, and at Muskogee, Indian Territory, on February 28, 1902, and on September 29, 1902. A copy of the testimony taken at Vinita, Indian Territory, on September 18, 1900, in the matter of the application of Rebecca L. Laurance was filed herewith and made a part of the record herein.

The evidence in this case shows that Zeno M. Cox was married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on November 4, 1885, to Miss R. J. Duncan, a citizen by blood of the Cherokee Nation.

The evidence further shows that the applicant and his said wife lived together for four years following their marriage, and that his wife then left him, and that he secured a divorce from her in September, 1894. There is no evidence that he abandoned his said wife. Zeno M. Cox is identified on the Cherokee Census Roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666 of the Compiled Laws of the Cherokee Nation (1892) provides:

> "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence in this case shows that the said Zeno M. Cox acquired the rights of Cherokee citizenship by intermarriage with his first wife, R. J. Duncan, a Cherokee citizen, and that, subsequent to his divorce from his said wife, he married in December, 1899, his present wife, Emma, a citizen by blood of the Cherokee Nation.

Cherokee 2-300.

The evidence further shows that the said Rose M. Cox has resided in the Cherokee Nation since 1896, and that he was a resident of said Nation, with his said wife, Rose Cox, on September 1, 1902.

It is, therefore, the opinion of this Commission that Rose M. Cox should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898,(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Gibson.
Acting Chairman.

(SIGNED) T. B. Needles.
Member Commission.

(SIGNED) C. R. Breckinridge.
Member Commission.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

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.

Cherokee D-500.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Zeno M. Cox for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in 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,

Acting Chairman.

Enc. H-174.

IN THE MATTER OF THE APPLICATION OF

Jane M. Cox

FOR ENROLLMENT AS

CHEROKEE CITIZEN.

A Original testimony 10/3/01.
B Proof of attorney of 10/3/01.
C Marriage license and certificate
D Certified copy of judgment of court.
E Recent for testimony
F Supplemental testimony 10/18/01

Supplementary testimony 10/26/01
Notice of [illegible] 9/28/02
Letter from Secy of Int Nation
Brief in pursuance on behalf of
Sec [illegible]
affidavit
Order closing testimony Feb 28, 1902
Total [illegible]

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D 501



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF AMERICA WATOY FOR THE ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN.

The said America Watoy, being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A America Watoy.

Q Any middle name? A No, sir.

Q How old are you? A I am sixty-two years old.

Q What is your post office address? A Southeast City.

Q What district do you live in? A Delaware.

Q Are you a citizen by blood? A No, sir; I am an adopted citizen.

Q Who are you applying for? A Myself.

Q Just yourself? A Yes, sir.

Q Is your name on the roll of 1880? A I don,t know whether it is or not. I don't much believe it is though.

Q What is the name of your husband? A William Watoy.

Q Is he living? A No, sir; he died this last spring.

Q He was a Cherokee citizen by blood? A That is what they say; yes, sir.

Q Have you any proof of your marriage? A Yes, sir; I have a marriage certificate.

THE COMMISSIONER: The applicant presents a certificate of marriage certifying that on the 24th day of April, 1887 she was married to one William Watoy, a Cherokee citizen by blood.

Q Have you any children living? A No, sir.

1880 Roll, page 287, No. 1727, William Watoy, Delaware District.

THE APPLICANT: I don,t guess my name was put on the 1896 roll.

Q Why? A Well, I don't know. Really I don't know. I didn't get to go, you know, myself.

Q Well, your husband was living at that time, wasn't he? A Yes sir.

Q Well, he enrolled himself. Why didn't he enroll you? Weren't you living with him at that time? A No, sir.

Q Have you evermarried since? A No, sir.

Q Well, you and he were not living together? A Not at that time, no sir.

Q You were married in 1887? A Yes, sir.

Q How long did you live with your husband? A I lived with him--- I don,t know. We lived together and parted and lived together again. I don't know just exactly how long.

Q When did he die? A He died the 23rd day of last ~~January~~ April and was buried the 24th day. The day he was buried we had been married thirteen years.

Q Were you living with him at the time of his death? A No, sir; I wasn't living with him right then.

Q Well, did he desert you or did you desert him? Tell us all about it. A Well, he deserted me in the first place; that is, he quit home on account of me having one of my sons there that didn't have a good mind. He claimed to me that he ~~[illegible]~~ was afraid of my son.

Q How long had you been parted when he died? A Well, we had been parted quite a while.

Q What do you call quite a while? A Well some five or six or seven years, but he ~~[illegible]~~ was still helping to keep me up.

Q Did you ever get a divorce from him? A No, sir; I never did.

Q Did he marry again? A He married again, yes, sir.
Q Before his death. A Yes, sir.
Q How could he marry before his death without a divorce from you? A He claimed he had a divorce, but if he did I never had no notice of the divorce or never was notified to attend the divorce when he got it.

EXAMINATION BY MR. W.W. HASTINGS, Representative of Cherokee Nation.

Q You lived together over on Whitewater, didn,t you?
A On the head of Brushy. You was personally acquainted with the old man, I know.
Q You were the wife of William Matey? A Yes, sir.
Q You married him somewhere in the states? A I married him right in the Territory.
Q When did you marry? A In 1887.
Q How long did you live together? A Well, we lived together, I guess, about between four and five years.
Q You had a divorce suit? A No, sir; I never knowed nothing about the divorce suit. I never had one, I know.
Q You separated? A Yes, sir; he quit me.
Q And he married another woman? A Yes, sir; so I heard. I didn,t even------
Q (interrupting) Have you married since? A No, sir; I have not.
Q Is his other woman alive? A I guess she is.
Q Is she a white woman or an Indian? A A white woman.
Q You were a white woman, were you? A Yes, I guess I was.
Q What was your maiden name? A Parris.
Q Had you ever married before you married Matey? A Yes, sir. I married my first husband by the name of Turner and my second one by the name of Linn.
Q Are youdivorced from Turner? A No, sir; he died.
Q Was you ever divorced from Linn? He is living? A Not that I know of. I never had no account of him from the time he left home. He left home about twenty-five years ago.
Q Where? A Neosho, Missouri.
Q He just quit you and left? A Yes, sir. He took all the child we had.
Q You never heard from the child? A Well, I heard that he went south, but I never got a letter from him in the world.
Q You never heard from the child? A No, sir.
Q That would mean you left him about 1876? A Yes, sir; he left me then.
Q And about twelve years after he left you married William Matey in the Cherokee Nation. Now, did you ever marry again before you married this man Matey? A No, sir.
Q Matey was your third husband? A Yes, sir; and my last husband.
Q Is Matey alive now? A No, sir he died the 23rd day of April, and he was buried the24th, and the day he was buried was thirteen years from the day we was married. Thompson Muskrat married us.

THE COMMISSIONER: The name of America Matey does not appear upon the census roll of 1896 or the authenticated roll of 1880, or any roll now in the possession of the Commission. She presentes certificate of marriage to one William Matey, a Cherokee citizen by blood, now deceased, whose name appears upon the authenticated roll of 1880, Notwithstanding her name is not upon any roll, this gives the Commission jurisdiction because of her alleged marriage. By reason of the facts stated in the testimony as to her separation from her said husband, and divorce obtained by him, final judgment as to the enrollmentof the said America Matey as an intermarried citizen will be suspended and her name will be placed upon a doubtful card.

America Matey ---3.

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

Subscribed and sworn to before me this 19th day of October A. D. 1900.

Commissioner.

A 501

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

FILED
MAR 1 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 27th 1901.

SUPPLEMENTAL TESTIMONY IN CASE D-2001 of Mark K. Matoy et al.

Comes now the Representative of the Cherokee Nation and desires to introduce the following from page 58 of the Circuit Court record of the year 1898, Delaware District of the Cherokee Nation:-

"William Matoy
14 vs.
America Matoy

First, second and third calling.
Judgment by default, May 24 1898.
Court awards custody of children to plaintiff. "

* * * * * * * * * * * * * * * * * * * * * * * * * * * * *

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

Chas von Weise

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

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 30th 1902.

Supplemental Testimony in the matter of the application id America Matoy, Doubtful Cherokee case 2801.

Appearances:
W. W. Hastings for the Cherokee Nation
I. P. Bledsoe for the applicant.

TILLMAN PIKE being sworn by Com'r Brookinridge, testified as follows for the applicant.

( By the Com'r )
Q Give me your name? A Tillman Pike.
Q How old are you? A 78.
Q What is your post office address? A Grove, I. T.
Q How long have you lived in the Cherokee Nation? A 10 or 11 years off and on but not steady.
( By Bledsoe )
Q Do you know William Matoy? A Yes sir
Q Do you know his wife, America Matoy? A Yes sir I got acquainted with her after they was married.
Q Did you live near them? A Yes sir,less than half a mile.
Q William Matoy is now dead? A Yes sir.
Q America Matoy is living? A Yes sir.
Q Do you know anything about their separation? A Yes sir I know they separated.
Q Did he leave America Matoy's bed and board? A He left his wife.
Q She remained on the place? A Yes sir.
( By Hastings )
Q Are you a Cherokee citizen? A No sir, I was but jumped back over the fence, I married Matoy's daughter.
Q Then you are her step son in law? A I suppose so.
Q How far did you live from her when she married Matoy? A I didn't know her at all then.
Q How far did you live from her when the separation took place? A 5 or 6 miles.
Q Was you been about that any? A I made a mistake,there, I was living right near by when they separated.
Q How long had you been living there? A Something like 10 months.
Q His man sued her for a divorce? A Not to my knowledge.
Q Dont you know he got a divorce from her? A I heard he had, I dont know it.
Q He is now dead? A Yes sir.
Q You dont know the cause of their separation? A No sir I dont know exactly,I have information but I dont know personally
Q This woman had been married before she married Matoy? A Yes sir.
Q She married a man in Missouri? A I dont know
Q That is family history isn't it? A Yes sir.
Q That man was living at the time she married Matoy? A Not that I know of.
Q You know it from family history dont you? A No sir I dont know, that was before I knew them
Q Well you have heard it? A Yes sir, but I dont know.

LORENZO D. DaWOLL being sworn by Com'r Brookinridge, testified as follows for the applicant:
( By the Commission )
Q Give me your name? A LORENZO DE DaWOLL.
Q How old are you? A I am past 40.
Q What is your post office? A Oneona.
Q Cherokee Nation? A Yes sir
Q How long have you lived in the Cherokee Nation? A 10 years
( By Bledsoe )
Q Do you know William Matoy? A Yes sir.
Q Do you know his wife, America Matoy? A Yes sir.
Q Do you know that they lived together in the Cherokee Nation as

man and wife? A Yes sir.
Q Married? A Yes sir.
Q Do you know the cause of their separation, if you know that they separated? A Yes sir.
Q Do you know whether he left her bed and board or whether she left him? A He left her in the first place.
Q He left her at the house and went off? A Yes sir.
Q Where did he go? A He went about a quarter of a mile from the home place.
Q Whom did he stay with? A With his daughter and her man, Mr. Pike.
Q The man that just testified? A Yes sir.
Q Mr. Darnell I will ask you if you know anything about him getting a divorce from Mrs. Matoy? A Only by hearsay.
Q Did you ever see any notice or papers in regard to hat divorce?
A No sir I cant say that I did.
Q State if you know of there being any information or court summons on Mrs. Matoy? A Not that I know of.
Q Did you ever see any papers in Mr. Matoy's possession? A I saw some papers that I afterwards concluded were in the divorce case
Q What was the character of these papers? A I saw it was a notice— he asked me to look up a bill of sale in his papers and I took up some papers that I thought was the bill of sale and as I galnced at them I took it to be a notice and I just read a few lines and he reached for it and said it was not the bill of sale.
Q Mrs. Matoy was your mother? A Yes sir.
Q If she had got any notice you would have known it? A Yes sir.
( Hastings)
Q Where was your mother first married? A I dont know
Q How many times has she been married? A Three times.
Q What was her first husband's name? A Darnell.
Q Your father? A Yes sir.
Q Where is your father now? A Dead several years.
Q What was her second husband's name? A Linn.
Q Did she marry him in Missouri? A No sir I think in Arkansas.
Q They separated in Arkansas did they? A No sir in Missouri.
Q And then she came to the Territory? A Yes sir.
Q And that was the last she ever saw of Linn? A Yes sir.
Q He was living when she left him? A Yes sir.
Q And when she left Missouri? A Yes sir I think so.
Q You have had no information of his death? A No sir
Q He was a white man? A I suppose so.
Q Not a citizen of the Cherokee Nation? A No sir.
Q You are her son? A Yes sir.
( By Bledsoe )
Q She is still the widow of William Matoy and is still living in the Cherokee Nation? A Yes sir.

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This will be filed in the above mentioned cause.

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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 true and complete transcript of his stenographic notes therein.

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

Commissioner.

Commissioner.

Supl.-C.D.#681.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL in the matter of the enrollment of AMERICA MATOY as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. The applicant this day appears by her attorneys Wisdom and Bledsoe. Receipt has also been acknowledged of Commission's letter.

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

L. D. DARNELL, being duly sworn, testified as follows on part of applicant:

MR. WISDOM:

Q What is your name? A L. D. Darnell.
Q How old are you? A 41 years old.
Q Where do you live? A I live near Fairland, Oceana is my post office.
Q Cherokee Nation, Indian Territory? A Yes, sir, Delaware district.
Q This applicant, America Matoy, your mother? A Yes, sir
Q What was your father's name? A William Darnell.
Q You say you are the son of America Matoy; did your mother have any children by Matoy? A No, sir
Q The Cherokee Nation here filed a statement that the custody of your children be awarded plaintiff; was there any children whose custody could be awarded at that time? A I don't know.

MR. HASTINGS:

Q Did they have any children adopted children? A No, sir.
Q None living with them? A At that time?
Q Yes? A None what was; none of theirs.
Q Well, was there any outside children, any adopted children living with them,? A No, sir.

MR. WISDOM:

Q Well, that particular order is incorrect is it? A I think so, I don't see why they should have a decree at that time.

Commission: The attorney in behalf of the applicant and representative of the Cherokee Nation submit the case to the Commission for final consideration and the same is ordered closed and reported to the Commission for decision based upon the evidence now of record.

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

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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 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 March 4, 1908.

Commissioner.

Mr. Bastianet: Then you had left him and went back after some of your things? A. Why after he was down gone, he had done pure down I left there; didn't I prove that in the Court over here at Vinita, it is on record somewhere; he had quit eating and sleeping there there weeks before I left there, that is a positive fact; of course I never was asked than questions myself but I was called to bring witnesses, and he had gone where he stayed; his son in law will testify to that.

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Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in shorthand, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 8th day of July, 1902.

COMMISSION TO FIVE CIVILIZED TRIBES

JUL 10 1902

ACTING CHAIRMAN

Supplemental Cherokee D-661.

R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., July 8, 1902.

In the matter of the application of America Matey for enrollment as a citizen by intermarriage of the Cherokee Nation.

Supplemental testimony on behalf of Applicant.
Appearances:
Applicant present in Person.
Cherokee Nation, by W. W. Hastings, Atty.

America Matey, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A America Matey.

Q What is your postoffice address? A Well, my postoffice now, where I am getting my letters, my postoffice well it is Southwest City, but my postoffice will be at Fairland or Oseuma there at my home up there.

Q You are an applicant before the Commission as a citizen by intermarriage of the Cherokee Nation, are you? A Yes, sir.

Q When did you come to the Cherokee Nation? A In 1883.

Q Where have you been living since that time? A Well, within the limits of the Nation except just a little while, within ten miles of the same place, I haven't lived over ten miles from the same place.

Q When were you married? A I was married in 1887.

Q Where were you living when you were married? A Living in Yellowbird Hollow, ten miles west of Southwest City.

Q Is that in the Nation? A Yes, sir.

Q Is your husband living? A No, sir, he died last April two years ago.

Q Well, since your marriage where have you been living? A Well, part of the time, the biggest part of the time, in the Nation, and part of the time in Southwest City, is on account of my sickly son, I had a son whose mind was affected, and I had to take him there to the doctor.

Q Where were you living four years ago last month? A In the Territory.

Q Have you been living there continuously for the past four years?

A The most of the time.

Q How much of the time have you been out? A I have been out maybe a year or maybe a little over a year, at times; I will tell you, I am just by myself, my children all gone, and I stay first one place and another, to say I have a regular home, I haven't got any right regular home only up there at Fairland.

Q Do you own any property in the Cherokee Nation? A Yes, sir.

Q Do you own any in Southwest City? A No, sir.

Q What does your property consist of in the Cherokee Nation?

A I claim that I have got like all other claims.

Q Is it in cultivation? A Yes, sir.

Q How many acres? A About eighty I suppose, and a box house on it, and then a have a bill of sale, the old man and me between us, he owned it when we were married, he bought it after we were married, and I hold a bill of sale to that.

Q Do you derive any rents from that farm? A Yes, sir, there is where I get the most of my living from that farm, and the little I have to earn myself.

Q Do you keep house in the Cherokee Nation? A Well, part of the time, part of the time in the Cherokee Nation.

Q How much of the time have you been keeping house in the Cherokee Nation for the past four years? A The biggest part of the time.

Q What do you mean by that? A Pretty near all the time.

Q Did you keep house in Southwest City? A I go there, that is, I had a place there, did have till I sold it, that has a little fruit on it, and I go there to save my fruit and then I come back to the Nation; that is how come me not to get my letter any sooner, I was living so far I wasn't at the office and the postmaster

never notified me I had any letter.

Q Have you any property in the State of Missouri? A No, sir, don't own any only there at Fairland.

Q I thought you spoke of going to Southwest City to look after your fruit? A I said I did have a place there, it belongs to my son, and of course he sends me there to look after the fruit.

Q What is the longest time you have lived in Southwest City during the past four years? A About a year.

Q When was that? A That was last year.

Q Do you know how often you have been out of the Territory during the past four years? A And lived out?

Q Yes? A Twice.

Q That was last year, and when was the other time? A Last winter a year ago I was out, about as well as I remember now, about three or four months then, didn't have my things out though, I had them here, and then I own a place in the Territory that is down on Whitewater, well I have a house a mile south of Whitewater.

Q Where were your household effects? A They were mostly down there in the Territory.

Q Did you have any of them in Missouri? A I had some straw beds and things to camp while I take care of the fruit.

Q Were you camping there or keeping house there? A I was camping there when I was looking after the fruit.

Q During the year you lived in Southwest City did you keep house? A Well I had to keep house because I moved out of my house on Whitewater to have it torn down, and of course I was living at my son's house.

By W. W. Hastings: You were separated from your husband before he died? A Yes.

Q And he got a divorce from you? A He claimed he got a divorce, but I never believed he did, he never notified me.

Q That is what you testified before? A I never was notified.

Q The records of the Court show that the divorce was secured? A How, on what terms, as I asked the old man, did you get a divorce when you left me three weeks before I left the Territory.

Mr. Hastings: The Cherokee Nation contests this applicant for citizenship upon the ground that she claims as a citizen by intermarriage, after she had separated from her husband prior to his death, and after her husband had secured a divorce from her, and the Court a Court of competent jurisdiction, as the testimony in this case shows.

Commission: You were married in 1867 I believe? A Yes, sir.

Q How long did you and your husband live together after your marriage? A Quite a little while.

Q Well, how long was it, as nearly as you can tell; was it a year or two years? A Oh yes, it was over that time, and then I left him first, his girl hit me in the head with a rock, and then in the fall I went back to him again, and then I stayed with him till he left me again then.

Q You separated twice, did you? A Yes, we separated twice.

Q When did he die? A He died last April two years ago.

Q Were you living with him when he died? A No, he was living with that other.

Q How long had you been separated from him? A I had been separated quite a while.

Q Well, how long, do you know? A No, I don't recollect just how long.

Q Well, answer the question; how long was it that you were separated from your husband before he died? A It was - what year was it he died, two years ago last Spring?

Q It was in 1900 that he died then? A Well we had been separated I guess four or five years, but now let me tell you right there, when I left home that last time, when I went back after part of my things why he had locked the door on me, took the lock off that was on there and locked it with a different lock.

A.T. 46

[illegible]

[illegible]

Bruce G. Jones, being duly sworn, says that he is stenographer to the Examiner in the [illegible] and that he reported the proceedings and testimony in [illegible] and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 5th day of July, 1902.

(Seal)

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 13 1902

By the Commission,

Q What place have you called your home since you lived with Matoyt?
A I have had so many homes I don't know what you'd call it. I have had a home here at Tahlequah for the last two years; got land out there.

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

Subscribed and sworn to before me this 10th day of November, 1902.

Notary Public.

See 77

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Cherokee D 501.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 14, 1902.

In the matter of the application of America Matoy for enrollment as an intermarried citizen of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

AMERICA MATOY, being sworn, testified as follows:

By the Commission,

Q What is your name? A America Matoy.
Q How old are you? A Sir?
Q How old are you? A I am sixty-five years old.
Q What is your postoffice address? A Fairland.
Q Fairland? A Yes, sir.
Q Are you a white woman? A I guess so.
Q You are claiming as a citizen by intermarriage, are you?
A Yes, sir.
Q What is the name of the husband through whom you claim your citizenship? A William Matoy.
Q Is he your first husband? A No, sir, he's my third husband.
Q Well, now, which one of your husbands are you claiming through?
A My last one.
Q Your last one? A Yes, sir.
Q When were you married to your first husband? A In '59, I believe it was.
Q How long did you live with him? A I don't remember now, about five or six years when the war come up.
Q Was he a white man? A Yes, sir.
Q When did you marry your second husband? A In '67.
Q Was your first husband dead then? A Yes, sir.
Q Is your second husband dead? A I don't know whether he is or not.
Q Was he a white man? A Yes, sir.
Q When did you separate from him? A Twenty-seven years ago.
Q Don't know whether he is living or dead? A No, sir, I never heard of him after he left.
Q When did you marry William Matoy? A Fifteen years ago last April, in '87.
Q That was about twelve years after you separated from your second husband? A Yes, sir, I think that's about the time.
Q Was your second husband dead at the time, do your know? A No, I never heard from him from the time he left.
Q Did you make any inquiry? A I made inquiry, but he never did write.
Q You have not heard anything from him or about him for twelve years? A I had met got no letter nor nothing.
Q Had you heard anything? A I had heard people say that he taught. He taught and married in less than a year after he left me; I never had no writing.
Q You could not verify that? A No, sir.
Q Is William Matoy a Cherokee by blood? A Yes, sir.
Q Is he dead? A Yes, sir.
Q When did he die? A He died two years ago last April.
Q Did you live with him from the time you married up to the time of his death? A No, sir.
Q Were you separated from him? A Yes, sir.
Q What was the cause of the separation? A He left home and stayed about three weeks.

Q He went away? A Yes, took his bed and board.
Q He took his bed and board? A Yes, sir.
Q Did you ever give him any cause to leave you? A Not that I know of.
Q You were always a faithful and affectionate wife to him?
A Yes, sir.
Q Did he say why he left you? A He claimed -- I asked him why he left me; I had a boy whose mind was affected. This boy was harmless but he just said that he was not going to risk his chances with Frankie.
Q Do you know where your husband is now? A William Matoy? He's dead.
Q Do you know if he married after he left you? A I heard he did.
Q You have not married since you separated? A No, sir.
Q Have you been living in the Cherokee Nation since you married Mr. Matoy? A Well, the bigger part of the time.
Q Where have you been the rest of the time? A In Southwest City.
Q When were you there? A Well, I have been there -- just moved from there this last July, but I have been living in the Indian Territory for the last five years.
Q Where did you and your husband, William Matoy, live? A On Brush Creek.
Q That's is the Cherokee Nation? A Yes, sir.
Q How long did you live there? A About three years.
Q Then where did you go? A Over on to White Water.
Q Where's that? A In the Cherokee Nation.
Q How long did you live there? A About a year.
Q Then where did you go? A To town then.
Q What town? A Southwest City, Missouri.
Q Then where did you go? A I lived there just a few months and then went back to Mr. Matoy.
Q You left him before he left you? A I went to Southwest City with my son.
Q You did not go to leave your husband? A No; to get my son in the Asylum.
Q How long did you live in Southwest City? A At that time?
Q Yes, sir. A Two or three months.
Q Then did you come back to your husband in the Cherokee Nation?
A I lived with him from October to the next September, then's when he quit me.
Q Then where did you go? A To Southwest City.
Q What year was that you went to Southwest City the second time?
A I declare, I forget how many years ago it has been; a right smart bit.
Q More than four years ago? A Yes, sir. I lived there a right smart bit.
Q How long is that, two years, three years? A Yes, about two years, and got my son sent to the Asylum.
Q Then come back to the Cherokee Nation? A Yes, sir.
Q What year did you come back? A I don't remember.
Q When you made application to be enrolled, before that?
A Yes, sir.
Q How long is that? A Well, has it been five years or six years since I made application?
Q Four years. A That is '97.
Q How long had you been back in the Cherokee Nation at that time?
A When I put in my application for enrollment?
Q Yes. A 1900.
Q You had come back to the Cherokee Nation about a year before you made your application for enrollment? A I put in my application

and then come back to the Cherokee Nation.
A And when you put in your application for enrollment you were living in Southwest City, Missouri, about two years ago? A No, sir.
Q Well, that's about two years ago. A My application was at Gibson when I sent up my application.
Q That's two years ago. You were living in Southwest City two years ago, that's the particular address you gave the Commission.
Q In 1897, where were you living then? A In Southwest City.
Q How long after that before you came back? A That was August, and I moved back in October. I have been living in the Cherokee Nation the biggest part of the time since then.
Q Where have you been living the other part of the time since 1897?
A Part of the time in Southwest City, camping there to have my fruits.
Q Where were you living in June, 1898? A Why, I was living in Yellow Bird Hollow in the Cherokee Nation.
Q You had come back from Southwest City? A Yes, I moved back from down there in October, and did not move back till last winter was a year ago. I started to move and got to Fairland and got sick, and I persuaded him to leave me and get a house, and then I took the smallpox.
Q Then your residence has been in Fairland the bigger part of the time? A Yes.

By Mr. Starr.

Q Your residence has been in Southwest City what part of the time?
A It has been there part of the time but not near as much as in the Territory.
Q Where were you living when the Strip payment was made? A Right down in the Territory in Yellow Bird Hollow. I was living first one place and then another. Part of the time in the Territory, and part of the time in the Strip.
Q Isn't it a matter of fact that you went to Southwest City and became a resident in order to get your son in the Insane Asylum?
Q I went there and stayed a while. As long as I stayed in the Nation with Him they would not consider him a citizen. Now, I am telling you the truth.
Q You had to stay out long enough in Missouri to become a citizen before you could get your son in the payment? A Well, I didn't know.
Q How long did you stay there? A A little over two years but that was after I put in my application.
Q Which enrollment are you speaking of, the enrollment of intermarried whites in 1897 or the enrollment of 1899? A The enrollment in 1897.
Q Where were you living when you put in your application this time?
A Whibh? Two years ago?
Q Yes. A I was out here on the prairie staying with my son.
Q Have you lived in Southwest City since that time? A Yes.
Q How much time? A I didn't recollect, I aim't lived there any to amount to anything since April or May.
Q Last April? A Yes, sir.

By the Commission:

Q. What place have you [illegible]

A. I have had [illegible] and a home here [illegible] there.

Robt. A. Guick, being duly sworn, states that, as official stenographer of the Commission, he has transcribed the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of said stenographic notes thereof.

Robt A Guick

Subscribed and sworn to before me this 10th day of November, 1902.

B E Jones
Notary Public.

IN THE MATTER OF THE APPLICATION OF

America Maloy

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

Original testimony of 10/3/00
Memo of application of 10/3/00
Certificate of marriage
Supplemental testimony Feby. 27, 1902
Receipt for testimony.

Supplementary testimony Oct 30 1902
Notice of [illegible] consideration 2/28/02

Supplemental testimony and order closing case, Feb. 28, 1902

OCT 16 1907

Cher D 502

EXAMINED, as to applicants.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 8, 1896.

In the matter of the application of Fannie Kloan for the enrollment of herself and two children as Cherokee citizens, being sworn and examined by Commissioner Breckinridge she testified as follows:

Q. Give your name? A. Fannie Kloan.
Q. How old are you? A. 19.
Q. What is your post-office? A. King's Point.
Q. In what district do you live in? A. In Missouri. I am just living around most any place I can get to stay, not got no home.
Q. What do you call your district? A. Cooweescoowee.
Q. Is this post-office in Missouri? A. Yes sir, King's Point, Missouri.
Q. Who is it you want to have put on the roll? A. This baby and another little girl.
Q. And yourself? A. No sir.
Q. Just the children? A. Yes sir.
Q. You don't claim Cherokee blood or citizenship yourself? A. No sir.
Q. Give me the names of these two children, please? A. Florada, 2 years old.
Q. What is the name of the next child? A. Jesse Lee.
Q. Boy or a girl? A. Boy.
Q. How old is he? A. 9 months old.
Q. What is the name of the fifth one of these children? A. Tom Kloan.
Q. Is he a Cherokee? A. Yes sir.
Q. Why do you not apply for him? A. We are separated.
Q. When were you married to him? A. 2nd day of August last, three years ago.
Q. August 1893? A. Yes sir.
Q. He is alive at this time? Is he? A. Yes sir.
Q. When did you separate from him? A. First day of December last.
Q. Have you your marriage certificate? A. Yes sir. (Produces paper.)

Com'r. The applicant presents certificate showing that she was married to Thomas A. as stated by her on the 6th day of August 1893 by the Rev. T. D. Brown, her name being at that time Miss F. E. G. Greer, of Chickasaw, Indian Territory; this is filed herewith.

Q. How old is your husband? A. 23 years old.
Q. Was he ever married before he married you? A. No sir.
Q. And were you never married before? A. No sir.
Q. Have you a divorce from him? A. No sir.
Q. You have never married since you separated from him? A. No sir.
Q. Did you make your home in the Cherokee Nation from the time you married him until you separated? A. Yes sir.
Q. And lived with him continually during that period? A. Yes sir.
Q. Is your husband a native of the Cherokee Nation? A. Yes sir.
Q. Does he live in the Cherokee Nation all his life? A. Yes sir.
Q. Your husband was enrolled by the Cherokee Commission, wasn't he? A. Yes sir.
Q. Have you the certificate of enrollment? A. No sir.
Q. Your husband's name, Thomas? A. Yes sir.
Q. Your husband's name, Thomas? A. Yes sir.

1894 roll page 208 #4321 Thomas A. Kloan Cooweescoowee District.

Com'r. Breckinridge. You had better apply for your roll and get you on the record, we will have to reject you, but if anything should ever come of it, we'd like you on the record.

Q. Did you think A. go away and leave you? A. Yes sir.
Q. Look you as the old home? A. Yes sir.
Q. You don't know of any sufficient reason why he could have gone away and left you? A. No sir, we never had no trouble at all.

Sarah Brown et al 2

Gen'l Proceeding: The applicant applies for the enrollment of herself, six children and her husband; she is shown to have married her husband on August 4, 1894; her husband is identified on the roll of 1896 as a native Cherokee, and it appears from the printed record in the possession of the Cherokee representatives present that he was admitted to citizenship by the Cherokee Commission in 1891; the applicant states that her husband has lived in the Cherokee Nation his life, and that she lived with him in the Cherokee Nation from the time of her marriage until December of last year, when he left her without assigned reason or cause; Under the Cherokee law of 1885 her marriage is too late for her to acquire right of enrollment for heredity, and therefore her application for her own enrollment is rejected; but she is directed to supply the Commission with an official copy of the record showing that her husband was admitted in 1891.

As for the enrollment of her six children, when she supplies the Commission with the official copy of the record showing her husband to have been admitted in 1891, these children will be enrolled as Cherokees by blood; for convenience at the present they will be placed upon a doubtful card to await Chairman; she is required at this time to file certificates of the birth of these children.

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 5th day of October, 1900.

Commissioner.

D502

ENT OF THE INT'R
ON TO THE FIVE CIVILIZED TRIBES

FILED
DEC 15 1900

ACTING CHAIRMAN

S U P P L E M E N T A L  T E S T I M O N Y .

D 802.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of JESSE L. SLOAN:

THOMAS A. SLOAN, being sworn by Commissioner Needles, testified as follows:

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representati ve:

Q What is your name? A Thomas A. Sloan.
Q What was your wife's name? A Bessie Elizabeth.
Q Have you the decree of divorce from her now? A Yes, sir, there is a decree.
Q The testimony shows that you were married to her in August, 1897, is that correct? A Yes, sir.
Q How long did you live with her as husband and wife? A I was married to her August 5th, 1897. I lived with her up until i n the last year; November 3d when I left her.
Q What year? A 1899.
Q She came to Vi nita and enrolled two children, Loretta and Jesse L. Sloan and claimd that these were your children; what do you say about that? A I say the oldest child, the girl, was mine and the other one was not.
Q Where is this woman? A She is, Joplin, Missouri, the last time I hea d of her.
Q Do you know who she is living with? A I do not know.
Q I believe you secured the divorce from her on the ground of adultery? A Yes, sir.
Q Now, Mr. Sloan, how long before your separation was it before you actually left her, before you quit living with her as husband and wife? A About November 3d, 1899.
Q How do you know then this is not your child? A I know it.
Q Well, why? A I have a w right to know it.
BY COMMISSIONER NEEDLES:
Q When was the child born? A I do not know anything about it at all; it was reported to me at Vinita, up there I heard of her being up there to enroll it, and I went down to the Clerk's office to get a personal summons to have her appear in this case. That was on the 2d day of last October I heard she was there and I went down to Wagoner to get the papers and put them in the hands of a Marshall to serve on her. He said it was outside of the jurisdic- t ion of that Court.
Q What is the date of the birth of this last child? A The statement that I heard, that is, what I heard she said, the child was nine weeks old up to the time she enrolled at Vinita. That is what Joel Baugh told me.
Applicant: It is just this, I never had any intercourse with her until, well it was about April or May before I left her.
Q In November? A Yes, sir; she would not allow it on the ground th at she did not want to raise any more children.
Q April, 1899? A Yes, sir.
Com'r:--From the Copy of the Decree of the Court filed to-day i t seems that the custody of Loretta Sloan was awarded to the father of the child, Thomas Sloan, and should have been enrolled with him on straight card No. 6842/

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

J O Rosson

subscribed and sworn toberfore me this 15th day of December, 1900.

Commissioner.

Supl.-C.D.#602.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FLOREDA SLOAN, ET AL., as citizens of the Cherokee Nation:

The applicant's mother, Bessie Sloan, was notified by registered letter February 12, 1902, that the application for the enrollment of her two children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902, and that she could on said day appear before the Commission either in person or by attorney and an opportunity would be given her to introduce any further testimony affecting said application. She has this day, to-wit: the 28th day of February, 1902, been called three times and failing to respond either in person or by attorney, it is directed that the case be closed and that the same be reported to the Commission for final decision based upon the evidence now of record.

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

Commissioner.

J.O.R.

COMMISSION [illegible]

FILED

MAY 22 1902

ACTING CHAIRMAN

To be filed in Cherokee D 503

D. 502

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 6, 1902.

In the matter of the application of Andrew W. Watie et al for enrollment as Cherokee citizens.

Applicant represented by Thomas M. Owen, by courtesy of Messrs. Melletts & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TO D - 502.

RUTH D. FINDLEY, being first duly sworn, testified as follows:

COMMISSION: Give the stenographer your name, please? A Ruth D. Findley.
Q What is your post office address? A Watova.
Q Indian Territory? A Yes sir.
Q How old are you? A I am 52 years old.
MR. HASTINGS: What is your maiden name? A West.
Q Where did you live during the war? A Why we lived on Red River in the Choctaw Nation.
Q When did you come back after the war? A Came back in May, '66.
Q May of '66? A Yes sir.
Q Did you know General Stand Watie? A Not until the summer of '67.
Q Where were you living then? A I was living in Briar Town.
Q Is that in the Cherokee Nation? A Yes sir.
Q Where was General Stand Watie at that time, when you learned to know him? A Why he moved into the neigborhood of where I lived.
Q Where did he move from? A I suppose from Texas or the Choctaw Nation, wherever he was out there, I did'nt know anything of him before that.
Q Had he moved in from the south? A Yes sir, he moved in from the south.
Q How near to you did he locate? A Why it was about four or five miles where he camped for a while in the neighborhood.
Q Camped? A Yes sir, and moved four or five miles above there afterwards on the Canadian River.
Q Well now when did he move there from the south near you in camps, as you state, what time in the year? A Well latter part of the summer of '67.
Q Did he have his wife and family with him? A Yes sir.
Q Now you had been living in that neighborhood in Candian District for how long; how long had you been back there? A We come back in May '66.
Q And you had been there more than a year in that neighborhood?
A More than a year when he moved in there.
Q And General Stand Watie and his family come the latter part of the summer of '67? A Yes sir.
Q You never knew them down south? A I never knew them.
Q You didn't know them before the war? A No sir.
MR. OWEN: I didn't understand what you said your name was? A Ruth D. Findley.
Q What is your post office? A Watova.
Q Watova? A Indian Territory.
Q How long had General Stand Watie lived near Briar Town before you got acquainted with him? A Why the family visited at my home soon after they moved there, and after that my mother and me went to their home after they moved on this place above us about eight or ten miles.
Q How far did they live from where you lived? A Why I guess it

was about ten miles from there to where they moved after they first came to the neighborhood.
Q First you knew of them was when they moved there in the neighborhood? A Yes sir.
MR. HASTINGS: Did you know Saladon Watie? A Yes sir.
Q Do you know when he died? A He died between the 10th and the 16th of February, I can't say what day of the month.
Q What year? A In 1868.

SUSAND HOWLAND, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name, please ma'am? A Susan Howland.
Q What 's your age? A I will be 58 the 15th day of this month.
Q What is your post office? A Bennett.
Q Were you married at the close of the war? AI was married during the war in '63 and then got married again after I came back here.
Q Did you ever know General Stand Watie? A Yes sir.
Q Where did you know him? A I knowed him in the Choctaw Nation, just seen him pass backwards and forwards, he lived down in the Choctaw country close to Red River and down in Texas.
Q When did you see him down there? A I saw him, about the last time I saw him was near Fort Washita in '67, about a week before we started.
Q When did you leave there? A We left thewein '67.
Q What time in '67? A We left there, I dont remember what day it was in January, sometime the latter part of January.
Q Of '67? A Yes sir.
Q Where did you come to? A We was living near Tishomingo, and we came to Webbers Falls.
Q Removed up to Webbers Falls in the Cherokee Nation? A Yes sir.
Q Do you know when General Stand Watie moved in the Cherokee Nation?
A As near as I can remember he moved the followingbfall after we did.
Q And you came in January of '67? A Yes sir. We got at Webbers Falls in March, but we started in '67, started from down there in January '67.
Q And you arrived at Webbers Falls the following March? A The second day of March when we arrived at the Falls.
Q Did you leave him down there? A Yes sir. He wrote us to know whether it would be peaceable for him to come here, that he was a little afraid to move until he knew it would be peaceable.
Q Was his wife down there with him? A Yes sir.
Q Was living down there at the time? A Yes sir, was living down there somewhere.

MR. OWEN: You say he moved here in the fall of '67? A Yes, sir, we moved in the spring.
Q How do you remember it was '67? A Because we stayed down there in '66 and made a crop after peace was made. '65 did'nt have anything to move with until we made a crop.
Q What time was peace declared in '66? A It was January and April sometime with us down there.
Q And you made a crop there and then came up here? A We made a crop in '66.
Q You made two crops after peace was declared? A No sir, did'nt make but one down there we did'nt; it was too late when peace was made, and Mr. Howland was appointed with Major Vore and Judge Scales to make a treaty with those wild tribes that was aw ay down there, and when we get back why we had to buy some of our supplies. Well he said we could'nt move till we made a crop in '66 down there, and we made a crop after we moved here in '67; we had to get shet of all of our crop in '66 down there before we could move here.

COMMISSION. This testimony will be filed with and made a part of the record in the following Choctaw Cases: D - 503, D-504, and in the case at bar.

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Arthur G. Creninger, 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 full and complete transcript of his stenographic notes thereof.

Arthur G. Creninger.

Subscribed and sworn to before me this 7th day of May, 1902.

Philip G. Reuter,
Notary Public.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the above and foregoing is a true and correct copy of the original transcript.

Ella Mieling

Subscribed and sworn to before me this 15th day of May, 1902.

P G Reuter
Notary Public.

FILED
MAY 2 1902
ACTING CHAIRMAN

D. 502.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 6, 1902.

In the matter of the application of Andrew T. Watie et al for enrollment as Cherokee citizens.

Applicant represented by Thomas H. Owen, by courtesy of Messrs. Mollette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TO D-502.

RUTH D. FINDLEY, being first duly sworn, testified as follows:

COMMISSION: Give the stenographer your name, please? A Ruth D. Findley.
Q What is your postoffice address? A Watova.
Q Indian Territory? A Yes, sir.
Q How old are you? A I am 52 years old.
MR. HASTINGS: What was your maiden name? A West.
Q Where did you live during the war? A Why we lived on Red River in the Choctaw Nation.
Q When did you come back after the war? A Came back in May, '66.
Q May of '66? A Yes, sir.
Q Did you know General Stand Watie? A Not until the summer of '67.
Q Where were you living then? A I was living in Briar Town.
Q Is that in the Cherokee Nation? A Yes, sir.
Q Where was General Stand Watie at that time, when you learned to know him? A Why he moved into the neighborhood of where I lived.
Q Where did he move from? A I suppose from Texas or the Choctaw Nation, wherever hewas out there, I didn't know anything of him before that.
Q Had he moved in from the south? A Yes, sir, he moved in from the south.
Q How near to you did he locate? A Why it was about four or five miles where he camped for a while in the neighborhood.
Q Camped? A Yes, sir, and moved four or five miles above there afterwards on the Canadian River.
Q Well now when did he move there from the south near you in camps, as you state, what time in the year? A Well, latter part of the summer of '67.
Q Did he have his wife and family with him? A Yes, sir.
Q Now you had been living in that neighborhood in Canadian District for how long; how long had you been back there? A We come back in May, '66.
Q And you had been there more than a year in that neighborhood?
A More than a year when he moved in there.
Q And General Stand Watie and his family come the latter part of the summer of '67? A Yes, sir.
Q You never knew them down south? A I never knew them.
Q You didn't know them before the war? A No, sir.
MR. OWEN: I didn't understand what you said your name was? A Ruth D. Findley.
Q What is your postoffice address? A Watova.
Q Watova? A Indian Territory.
Q How long had General Stand Watie lived near Briar Town before you got acquainted with him? A Why the family visited at my home soon after they moved there, and after that my mother and me went to their home after they moved on this place above us about eight or

ten miles.
Q How far did they live from where you lived? A Why I guess it was about ten miles from there to where they moved after they first came to the neighborhood.
Q First you knew of them was when they moved there in the neighborhood? A Yes, sir.
MR. HASTINGS: Did you know Saladen Watie? A Yes, sir.
Q Do you know when he died? A He died between the 10th and the 16th of February, I can't say what day of the month.
Q What year? A In 1868.

SUSAN HOWLAND, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name, please ma'am? A Susan Howland.
Q What's your age? A I will be 68 the 15th day of this month.
Q What is your postoffice? A Bennett.
Q Were you married at the close of the war? A I was married during the war in '63 and then got married again after I came back here.
Q Did you ever know General Stand Watie? A Yes, sir.
Q Where did you know him? A I knowed him in the Choctaw Nation, just seen him pass backwards and forwards, he lived down in the Choctaw country close to Red River and down in Texas.
Q When did you see him down there? A I saw him, about the last time I saw him was near Fort Washita in '67, about a week before we started.
Q When did you leave there? A We left there in '67.
Q What time in '67? A We left there, I don't remember what day, it was in January, sometime the latter part of January.
Q Of '67? A Yes, sir.
Q Where did you come to? A We was living near Tishomingo, and we came to Webbers Falls.
Q Removed up to Webbers Falls in the Cherokee Nation? A Yes, sir.
Q Do you know when General Stand Watie moved in the Cherokee Nation? A As near as I can remember he moved the following fall after we did.
Q And you came in January of '67? A Yes, sir. We got at Webbers Falls in March, but we started in '67, started from down there in January in '67.
Q And you arrived at Webbers Falls the following March? A The second day of March when we arrived at the Falls.
Q Did you leave him down there? A Yes, sir. He wrote us to know whether it would be peaceable for him to come here, that he was a little afraid to move until he knew it would be peaceable.
Q Was his wife down there with him? A Yes, sir.
Q Was living down there at the time? A Yes, sir, was living down there somewhere.
MR. GREEN: You say he moved here in the fall of '67? A Yes, sir, we moved in the spring.
Q How do you remember it was '67? A Because we stayed down there in '66 and made a crop after peace was made. '65 didn't have anything to move with until we made a crop.
Q What time was peace declared in '66? A It was January and April sometime with us down there.
Q And you made a crop there and then came up here? A We made a crop in '66.
Q You made two crops after peace was declared? A No, sir, didn't make but one down there we didn't; it was too late when peace was made, and Mr. Howland was appointed with Major Vore and Judge Scales to make a treaty with those wild tribes that was away down

there and when he got back, why we had to buy some of our supplies, full he said we could move; move till we made a crop in the damn place, and we made a crop after we moved there in '97; we had to get that of all of our crop in the damn place before we could move back.

CONTINUED: This testimony will be filed with and made a part of the record in the following Cherokee Cases: D-[illegible], D-504, and in the case at bar.

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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 7th day of May, 1902.

[illegible] Reuter
Notary Public.

Cherokee D 502.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., Oct. 10, 1902.

In the matter of the application of Bessie Sloan for the enrollment of her two minor children, Floreda Sloan and Jesse L. Sloan, as citizens by blood of the Cherokee Nation.

BESSIE NEAL, being first duly sworn, testified as follows:

By the Commission,

Q What is your name? A Bessie Neal.
Q What is your age? A Twenty-one years old.
Q What is your postoffice address? A Kennison.
Q Are you the mother of Floreda and Jesse L. Sloan? A Yes, sir.
Q Who is the father of these two children? A Tom Sloan.
Q Is he living? A Yes, sir.
Q When were you married to him? A The 4th of August, let me see, we have been married four years the 4th of last August - no, not the 4th -
Q Five years, is it not? A Yes, sir, five years.
Q You are not living with him at the present time? A No, sir.
Q How long did you and he reside together after your marriage?
A Three years.
Q These children were both born during that time? A No, sir, only one, and the other was born after we parted.
Q Was your husband, Thomas Sloan, recognized as a citizen of the Cherokee Nation? A Yes, sir.
Q And did he always reside in the Cherokee Nation? A Yes, sir.
Q Do you know whether he is living there at the present time?
A Yes, sir.
Q Are your two children living? A Yes, sir.
Q Are they both living with you? A No, sir, he has the girl and I have the boy.
Q Where were you living at the time of your marriage? A Chouteau
Q Had you resided in the Cherokee Nation prior to your marriage to Sloan? A Why, I come from Missouri. I was here when we married at Chouteau.
Q Did you reside in the Cherokee Nation continuously during the time you were married to Sloan? A Yes, sir.
Q Where have you been residing since your separation? A Why, I stayed in Missouri about a year, and have been back here ever since close to Kennison.
Q Did you go to Missouri immediately after your separation?
A Yes, sir.
Q And remained there a year? A Yes, sir.
Q Since that time, since you returned, have you been living in the Cherokee Nation? A Yes, sir.
Q What is the name of your present husband? A Neal.
Q Is he a citizen? A No, sir.
Q When this divorce was granted, were you given the custody of this younger child? A No, there was nothing said about that.
Q He took the girl and youtook the boy? A Yes, sir.
Q You lived with your husband about three years after you were married? A Yes, sir.

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

Retta Chick

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

[illegible] Rinter
Notary Public.

Cherokee D #602

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

In the matter of the application for the enrollment of Floreda Sloan and Jesse L. Sloan as citizens by blood of the Cherokee Nation:

D E C I S I O N.

The record in this case shows that on October 3, 1900, Bessie Sloan appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of her minor children, Floreda and Jesse L. Sloan, as citizens by blood of the Cherokee Nation. The application also includes the said Bessie Sloan but she is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 13, 1900, and at Muskogee, Indian Territory, on October 10, 1902.

The evidence shows that the said Bessie Sloan, a white woman, was lawfully married, on the 5th day of August, 1897, to one Thomas A. Sloan, a citizen by blood of the Cherokee Nation, who was admitted to citizenship in said nation by the duly constituted authorities thereof on September 13, 1881, and that the said minor children, Floreda and Jesse L. Sloan, are the issue of said marriage.

It further appears that the said Bessie Sloan and Thomas A. Sloan lived together as husband and wife until in November, 1899, when they separated and that, on November 22, 1900, the said Thomas A. Sloan was granted a divorce from his said wife, Bessie Sloan.

The evidence further shows that the said minor children, Floreda and Jesse L. Sloan, were born on July 19, 1898, and July 28, 1900, respectively, and are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Bessie Sloan and her husband, Thomas A. Sloan, resided in the Cherokee Nation from the time of their marriage until said separation; and it is considered that the residence of the minor children is the same as that of their parents.

[illegible]

[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

[illegible]

(SIGNED) T. B. Needles.

[illegible]

(SIGNED) C. R. Breckinridge.

[illegible]

Muskogee, Indian Territory,

DATE MAR 9 1898

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-502

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Bessie Sloan for the enrollment of her two minor children, Floreda and Jesse L. Sloan, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. M-4173

IN THE MATTER OF THE APPLICATION OF

Florida Sloan, Ind.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/3/00.
B Memo. of application of 10/3/00
C Supplementary testimony of 10/13/00.
D Marriage Certificate
E Certified copy of Citizenship papers
F Certified copy of decree of divorce
G Birth certificate, Florida Sloan
H Birth certificate, Jesse L. Sloan.

I Notice of final consideration, 2/28/02
J Order closing testimony, 2/28/02

See Cherokee Index R 22

Cher D 503

Testimony as to husband, Moses L. Grazier.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1900.

In the matter of the application of Martha Grazier for the enrollment of herself as a Cherokee citizen by blood, and her children and husband as intermarried, and her husband being sworn and examined by Commissioner Breckinridge the testified as follows:

Q What is your name? A Martha Grazier.
Q How old are you? A 44.
Q What is your post-office? A Afton.
Q What district do you live in? A Delaware.
Q Who is it you want to have enrolled yourself? A Yes sir.
Q And your husband? A And my children.
Q How many children? A Six.
Q You are a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A 3 quarters.
Q Is your husband a citizen or a Cherokee? A He is a white man.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Arch Ballard.
Q Is he dead or alive? A He is dead.
Q Give me your mother's name? A Annie.
Q Is she dead or alive? A She is dead.
Q When were you married to your husband? A In accordance with this paper you hand me? A Yes sir.

The applicant presents duly authenticated Cherokee license issued by the Clerk of Delaware District June 7, 1880, authorizing marriage between M. L. Grazier a citizen of the United States and Martha Ballard, a citizen of the Cherokee Nation. The certificate shows that they were married in marriage on the same date, by the Clerk of the district. This is filed herewith.

Q Now that's the M in your husband's name for? A Moses.
Q Now that's the M in your husband's name and you were married in 1880? A Yes sir.
Q Have you and he lived together ever since you were married in the Cherokee Nation? A Yes sir.
Q And all the time in the Cherokee Nation? A Yes sir.
Q That good looking gentleman there is your husband is he? A Yes sir.
Q Give me the names of your children, please? A Tamer M.
Q How old is her? A 17 coming.
Q Next child? A Elma.
Q How old is that child? A 11 years old.
Q Next child? A Luther.
Q How old is that child? A 9 years old.
Q Next child? A Ora.
Q How old is that child? A 6 years old.
Q Next child? A Alice.
Q How old is she? A 4 years old.
Q Next child? A Bertha.
Q How old is that child? A 3 years old.
Q These children are all living now? A Yes sir.

1880 roll page 219 No. 1 Martha Ballard, Delaware, native born
1896 roll page 474 No. 1 Martha Grazier, Delaware District
1896 roll page 474 No. 194 Moses L. Grazier, Delaware District
1896 roll page 47 No. 2 Tamer Grazier "
1896 roll page 474 No. 3 Elmer Grazier "
1896 roll page 474 No. 4 Luther Grazier "
1896 roll page 474 No. 5 Ora Grazier "
1896 roll page 474 No. 6 Alice Grazier "

Q How old is your husband? A He is 50 years old.

MOSES L. GRAZIER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Robert L. Grazier.
Q How old are you? A 30 years old.
Q What is your post-office? A Afton, Indian Territory.
Q You are the husband of this applicant here, Martha Grazier?
A Yes sir.
Q You married her in 1880 as shown by the license? A Yes sir.
Q Were you ever married before you married here? A Yes sir.
Q To whom were you married first? A Ruth Haywood, Osage County, Missouri.
Q Is she dead or living? A She is dead.
Q When did she die? A She died in I think it was 1879, just a year previous to my marriage to my present wife.
Q You have only been married twice? A Yes sir, that's all.
Q Your wife Mary was married except to you was she? A No sir.
Q Have you lived continuously in the Cherokee Nation ever since your marriage to your present wife? A No sir, not altogether; I have been out in the State of Kansas, but I never have been away from home over five weeks at the furthest.
Q Did you leave your family here all the time? A Yes sir.
Q You only went out for temporary purposes? A I was practicing medicine.
Q You kept your wife and children here all the time? A Yes sir.
Q Did you ever vote while you were out? A No sir.
Q Never exercised any rights of citizenship outside the Cherokee Nation? A No sir.

APPLICANT CROSS-EXAMINED, and examined by Cherokee Rep've Hastings:

Q In what district do you reside, Mrs. Grazier? A Delaware.
Q How long has Mr. Grazier been out to Independence, Kansas? He has been there off and on.
Q About how many years? A Two or three years.
Q Now Mrs. Grazier who have you been living there with him?
A I don't know a thing about it.
Q Who have you been living with? A I haven't never been and he place with anyone.
Q How often does he come home? A He is at home inside of every two or three weeks.
Q What is he doing up there at Independence, Kansas? A He is practicing medicine.
Q Is he a licensed doctor? A Why that's what he says.
Q I want to ask you if it is not publicly known that this man is living with another woman up there at Independence, Kansas?
A I don't know.
Q Did you ever hear it? A I heard the rumor, but that's all I know about it.
Q It has been the neighborhood talk? A I guess so.

MRS. M. GRAZIER, RE-EXAMINED, and examined by Hastings:

Q What are you doing at Independence, Kansas? A I take you I was practicing medicine.
Q Are you a licensed physician? A I am licensed in this way; I was practicing medicine in Missouri before I came here, and there was a law requiring all those practicing medicine to come up and register, and I registered under the register law.
Q How far is it from Independence, Kansas? A It is about a day's travel.
Q I haven't been in Independence but a few weeks; I was in Tyro Kansas about a year.
Q And you reside or live in Delaware District? A Yes sir.
Q How long have you been practicing medicine in Kansas? A I think this is the third year.
Q I will ask you if you have been living with another woman up

there in the State of Kansas? A No sir.
Q You have never been holding any women out to there as your wife other than this one that is just boarding here with you?
A No sir, I never have; I haven't got but one living wife and then I can say this; I may have been boarding in places where there was ladies, but I haven't any but one woman in the world, and that's this woman here.
Q Have you ever boarded with a woman when you held out to the community as your wife? A No sir.
Q Is there any other woman that's known as your wife but this woman, up there at Independence, Kansas? A No sir, there is not sir.

By Com'r Breckinridge:

Q You put out your sign up there to practice medicine? A Yes sir.
Q Do you keep out any sign here? A No sir, I am not practicing medicine down here only just kn around in the neighborhood.
Q How long have you kept your sign up there in Independence?
A I have lived in Independence but not been in Independence but about three weeks.
Q How long did you keep your sign up there in Kansas? A I have my sign wherever I go, I take it and stick it up wherever my office is.
Q You have been practicing medicine for the last 20 years?
A No sir, I quit practicing after I came to this country quite a while.
Q How long have you been practicing medicine? A About 15 years altogether.
Q Where have you been practicing? A In Osage county, Missouri and in Cole.
Q Mostly in Osage County Missouri? A Yes sir.
Q How long did you practice in Osage County, Missouri? A About 5 years.
Q Did you keep your office there? A No sir, I didn't have any office. I was at home with my mother then; she was living in Osage County, Missouri.
Q Were you living there with your mother? A Yes sir.
Q Then you did do a lot of practice in Kansas? A Yes sir.
Q All that you within this last 15 years? A The last practice I have done in Kansas was in the last 3 years.
Q What is the name of the town you practice at there these last three years? A I was at Elk City awhile and at Oak Valley awhile and at Tyro and I am now at Independence.
Q Three places in three years? A Yes sir.
Q Do you keep an office at these places? A Yes sir.
Q And that's where you are doing your business? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself, her husband and six children; she is identified on the rolls of 1880 and 1896 as a native Cherokee, she has lived in the Cherokee Nation all her life and she will be listed now for enrollment as a Cherokee by blood; of her six children the first five are identified with her on the roll of 1896; they are minors and are living at home, and they will be listed for enrollment as Cherokees by blood. When she supplies the Commission with proper certificate of birth as to the youngest child, Martha, this child is so will be listed for enrollment as a Cherokee by blood.

As for her husband, he is shown to have married her in accordance with Cherokee law in 1880, but he is not shown the land roll he is identified on the roll of 1896; his testimony shows that his citizenship is a matter of doubt, he following his business with peddling in Kansas and Missouri, living for a number of years with his mother in Osage County, Missouri, and his application for his enrollment will now be placed upon a doubtful card.

Supl.-C.D.#603.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MOSES L. GRAZIER as a citizen of the Cherokee Nation, introduced on part of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. The records of the Commission ~~fix~~ fail to show that its letter of February 12, 1902, has been received by the applicant.

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

J. C. STARR, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A J. C. Starr.
Q Post office? A Vinita, age 31.
Q Are you the stenographer for the Cherokee attorney? A Yes, sir.
Q I will ask you whether or not you have made any effort to get service upon Moses L. Grazier, the applicant here? A I have.
Q Well, what effort have you made? A Sent a registered letter to Moses L. Grazier at Afton, Indian Territory.
Q Well, did you learn he was not up there? A Learned he was not there and at Independence, Kansas, and sent a notice to the City Marshal at Independence, Kansas, and I have heard nothing from that.
Q Have you since heard where he is? A I have since heard that he is at Moorehead, Kansas.
Q The reason you haven't got any service on him is because he was not up about Afton? A That was the reason.
Q That was the post office address he gave in his application?
A Yes, sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and ask to be permitted to take testimony in this case because it is shown by the above testimony that they have used every effort to get service upon the applicant, and because of his absence from the Territory it is impossible.

Commission: In view of the facts as stated the request of the Cherokee Nation will be complied with and the testimony heard.

RANDOLPH BALLARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Randolph Ballard.
Q What is your age? A 46.
Q What is your post office? A Needmore.
Q How far do you live from Afton, Indian Territory? A Eight miles
Q Do you know Moses L. Grazier, the applicant? A Yes, sir; I know him.
Q Who was his former wife, the wife that he claimed his citizenship through? A She was a Ballard.
Q Sister of yours? A Yes, sir.

Q Is he living with her now? A No, sir.
Q Well, where is he? A I don't know, we could not find him; I don't know where he is; they would not tell me anything about him, I went up there a few days ago.
Q How long has it been since he has been living with this woman?
A Well, ever since he has been out of her,e; ever since '97; he come back every three or four months and stays a wekk or two and then out again, gone.
Q Do you know anything about the circumstances of his leaving?
A Not in particular than he took another woman off and then left; I have seen the woman, has two children by him.
Q Is she a white woman? A Yes, sir; I was told by his son one day last week that he had two children by her.
Q It is commonly known throughout the country up there he is living with her? A Yes, sir, it is commonly known.
Q Where has he been reputed to be living? A The last letter we had from him, we had a letter from the Sheriff of Chetopa, Kansas, and he was in Independence, the last account we had.
Q How long has it been since he actually lived in the Cherokee Natio or about Afton; I don't mean to visit there? A Well, about '97.
Q Since that time has he lived in Kansas? A No, he has lived in Missouri and Kansas and Arkansas part of the time.
Q He went off from there with a white woman? A Yes, sir; Grazier had married a woman and he taken her away from his son, his son told me.
Q That is where you got your information? A Yes, sir, and from his other children.
Q His Cherokee wife was your sister? A She is my sister.

COMMISSION:

Q Is Martha Grazier your sister? A Yes, sir.
Q Weren't they living together when this application was made in October? A They is the way they swore, but they was not. He come the neight before from Kansas, I trailed him from Independence.
Q Your sister swore at that time that he was living with her?
A Yes, sir, I was standing right by.
Q Do you know of your own knowledge that he has not been living with her since 1897? A No, he has not been there only once every two or three, four months.
Q When he would come back would they live together as man and wife?
A I don't know, I could not tell as to that

MR. HASTINGS:

Q As a matter of fact you knew that they hadn't been living together when he came back to enroll, excepting a day or two? A Yes, sir.

COMMISSION:

Q How long had he been there when this application was made?
A He come the night before.
Q And made this application the next day? A Yes, sir.
Q How long did he stay there? A He stayed two or three days and went back.
Q Did he take his wife back with him? A Yes, sir, the white woman.
Q He didn't take your sister with him? A No, sir, he didn't take her any place.
Q Were you present when this application was made? A Yes, sir.
Q You knew these facts then did you? A Yes, sir.
Q What is this white woman's name, do you know? A She was Daniels I believe.
Q Her given name? A I don't know.
Q He has been living with her since 1897? A Yes, sir, she was a teacher up there when we had this letter from Kansas from this Sheriff he said he had a woman there and claimed her as his wife and I give the letter to Soper.

MR. HASTINGS:

Q The district Attorney? A Yes, sir, and we can't hear from him any more.

CONCESSION:

Q Did your sister and this man live together all the time up to 1897? A Yes, sir

Q That is the first time they separated? A Yes, sir; she claims they had no falling out but he left her.

Q Have they lived together since th at time at any time?

A I don't know, I don't go about them.

Q Does he contribute anything to the support of your sister?

A I could not say as to that; I furnished her some--he was gone, and come down there saying she was on sufferage and I give her such as flour, bacon and corn.

Q You don't know whether he ever contributed anything? A No, sir

Commission: In view of the fact that the whereabouts of the applicant was unknown and he fails to appear in person answer to the Commission's letter, it is directed that the case be closed, and the same be submitted to the Commission for a final decision based upon the evidence now of record.

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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 March 3, 1902.

Commissioner.

Cher
Supp'l to D 605

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of MOSES L. GRAZIER, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

MOSES L. GRAZIER, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Moses L. Grazier.
Q How old are you ? A Fifty four.
Q What is your post office ? A Narcissa.
Q Was it formerly Afton ? A Yes sir.
Q Narcissa is in the Cherokee Nation ? A Yes sir.
Q You are a white man ? A Yes sir.
Q Claiming as an intermarried citizen ? A Yes sir.
Q What is the name of the wife through whom you claim your citizenship ? A Martha Ballard, before I married her.
Q When were you married to her ? A The 7th day of June, 1880.
Q Were you married to her under a Cherokee marriage license ?
A Yes sir.
Q Was she your first wife ? A No sir.
Q You were married before ? A Yes sir.
Q How often ? A Once.
Q Was your first wife a Cherokee or a white woman ?
A A white woman.
Q Was she dead when you married Martha ? A Yes sir.
Q Was Martha ever married before you married her ? A No sir.
Q Is your wife Martha living ? A Yes sir.
Q Are you living together ? A Yes sir.
Q Been living together ever since you were married in 1880 ?
A Yes sir. I have been out in the State some.
Q But you were not separated ? A No sir.
Q Where have you made your residence since you married ?
A Right around Afton all the time.
Q You say you have made your home near Afton most of the time ?
A Yes sir.
Q The other part of the time where have you been ?
A I am a practicing physician, and practiced medicine in the State of Kansas.
Q When did you first go to Kansas ? A About 4 years ago.
Q The first time you went out of the Cherokee Nation after your marriage ? A In 1897, I think, or 1898.
Q Did you live continuously in the Cherokee Nation from 1880 to 1898 ? A Yes sir.
Q When did you first go out of the Cherokee Nation any where ?
A In 1898.
Q Did you live in the Cherokee Nation continuously from 1880 to 1898 ? A Yes sir.
Q Never was out ? A No sir.
Q You went to Kansas in 1898 ? A Yes sir.
Q What time in 1898 ? A In March.
Q What were you doing there ? A Practicing medicine.
Q Did your wife go with you ? A No sir, she stayed in the Cherokee Nation.
Q You own a place in the Cherokee Nation ? A Yes sir.
Q How long did you stay in Kansas ?
A I stayed there part of the time, and was part of the time at home.

Q When did you come back here to stay here ?
A About a year ago.
Q From March, 1898, up to about a year ago you were in Kansas most of the time ? A In Kansas most of the time, yes sir.
Q Your wife was living at home in the Cherokee Nation ?
A Yes sir.
Q All your folks were here ? A Yes sir, all my interests were in the Cherokee Nation.
Q You have never been separated from your wife ? A No sir, not a day.

By J. C. Starr:

Q You went to Kansas in March, 1898 ?
A As well as I can remember.
Q Mr. Grazier, haven't you been living with an old woman up there in Kansas ? A No sir.
Q Hasn't there been a woman living with you ? A Yes sir.
Q She lived in the same house with you ?
A But not as my wife.
Q In what town in Kansas, have you been living ? A Tyro. But the biggest part of my practice has been in the Cherokee Nation.
Q When did you go to Tyro ? A I don't remember. Somewhere about 1900, I think.
Q Did you rent a house in Tyro ? A Yes sir, an office.
Q Who did you rent it from ? A John Fields. He lives south of Tyro one mile.
Q Did you keep house in Tyro, or board ?
A No sir, I boarded.
Q Who did you board with ? A A woman.
Q What woman ? A Ada Daniels.
Q Did she own the house ? A No sir, rented it.
Q Who else boarded there besides you ?
A No one that I know of.
Q Did this woman Ada Daniels have anyone else around there ?
A No sir.
Q Was she a married woman ? A No sir, she had been married.
Q She was a widow then ? A Yes sir.
Q You were the only boarder that stayed there ? A Yes sir.
Q How long did you stay there ? A Over a year I guess.
Q Who lived near this house in Tyro, Kansas ?
A Jeff Linkart.
Q Who else ? Who else lived near that place ?
A There was a fellow--I forget his clerk's name, he lives right near; I knew his name well, though.
Q Go back to March, 1898, where did you go to from Afton ?
A I went to--in March, 1898, I went to Missouri; I went there myself, alone. I will tell you what I went there for, I had an old pension claim and went to Missouri to get evidence there to substantiate my same.
Q How long did you stay there ? A About six months, not continually though, I went backwards and forwards home. It was six months before I got the evidence I was seeking.
Q Where did you next go ? A Cenner, Kansas.
Q How long did you stay there ? A I didn't stay there any time; I went from there to Kansas City.
Q How long did you stay in Kansas City ?
A Oh I took two courses of medicine there.
Q This woman that was with you at Tyro, was she with you at Kansas City ? A No sir.

Q Where did you go to from Kansas City ? A To Tyro.
Q When was that ? A In 1900.
Q When did you come back to the Cherokee Nation ?
A All the time.
Q After you went to Kansas City ?
A I was there the biggest part of the time; about half the time.
Q When did you come back the last time ?
A Let's see; just before we enrolled in September, I don't remember just when it was, two years ago I guess.
Q You came back to the Cherokee Nation ? A Yes sir.
Q You went back to Kansas then ? A Yes sir.
Q How long ? A Some of the time, not all the time.
Q Haven't you been spending most of your time in Kansas ?
A No sir. You don't get me to perjure myself; I have been in Kansas, part of the time.
Q What part of Kansas have you been in since 1900 ?
A Several places.
Q Name some of them ? A Tyro, and Morehead.
Q Who was with you at Morehead ? A I was alone there.
Q Who did you live with ? A Mrs. Foley.
Q How long did you stay there ?
A Well I don't know, I wasn't keeping any dates.
Q About when did you go there ? A I can't tell you that exactly Cole, because I didn't pay any attention to the time.
Q Haven't you any idea how long you stayed there ? A No.
Q Where did you go to from there ? A Back to the Cherokee Nation.
Q Mr. Grazier, do you want this Commission to believe that you never separated from your wife while you have been in Kansas ?
A Yes sir, I want them to believe it; and I am going to make them believe it.
Q What was the name of your first wife ?
A Ada Haywood.
Q Where did you marry her ? A In Clay County, Missouri, close to Liberty.
Q What was your post office at the time she died ?
A Liberty.

By the Commission:

Q Did your wife ever appear before the Commission as a witness in this case ? A No sir.
Q She never appeared ? A She was sick; she was sick for three months; and she was very low, and didn't get well until the time expired.

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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 October 30, 1902.

B O Jones
Notary Public.

Cherokee D-503.

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

In the matter of the application of Moses L. Grazier for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Comes the Cherokee Nation and makes proof of service of notice upon the applicant that they would on the 10th day of November, 1902, offer testimony tending to disprove the applicant's right to enrollment as a citizen by intermarriage of the Cherokee Nation. The same not being reached on the 10th, was continued over until this day.

Randolph Ballard, being sworn and examined, testified as follows:
By W.W. Hastings: What is your name? A Randolph Ballard.
Q Your age is forty-eight? A Yes sir.
Q Your postoffice is Needmore? A Yes sir, Needmore.
Q Do you know Moses L. Grazier, the applicant? A I do, yes sir.
Q He married your sister? A Yes sir, he married my oldest sister of mine.
Q How long have you known him? A I have known him I guess ever since '79.
Q Where does he live now? A I couldn't tell you where he lives now. I was told he had gone to Kansas. My sister has a place up there about Narcissa and he has been staying there for the last two months back I reckon. He is now gone.
Q Is he living with your sister as her husband now? A I am unable to tell you; he keeps two women there. He stays with both of them; he comes there nights.
Q He is regularly married to your sister? A Yes sir.
Q When did he leave your sister? A If I remember right it was along about the latter part of '96 or '7.
Q '96? A Yes sir, something like that.
Q Where did he go from there? A He went to Southwest City, Missouri.
Q Who did he go with? A He first moved my sister over there; when he got over there this girl perhaps moved over there, her people did, and he got his son to marry the girl, the daughter, that is one of them, and he run his son off and taken this woman from him.
Q Then where did he go with her? A I couldn't tell anymore than what I heard; that he went to Siloam with her and from Siloam back to Kansas.
Q Hasn't he been living with her practically ever since '96? A Yes sir.
Q And he left his home? A Yes sir.
Q With the exception of times for enrollment hasn't he been absent with this other woman ever since? A Yes sir; they come from Kansas to enroll and brought the woman he has got with him.
Q Then since 1896 you might say practically all the time he has lived with this other woman? A Yes sir.
Q Separate and apart from your sister? A Yes sir.
He kept her in Kansas, in Independence, Kansas, they stayed two or three years, I couldn't say how long, but he was away from home here.
Q Do you know where he was in 1898? A No sir, I don't think I do.
Q That was four years ago? A I don't remember where he was then; he was away from home here.
Q He lived in Kansas, in October was the enrollment at Vinita, that was in 1900? A Well, whatever time it was he wasn't seen no where in the nation; he was away.
Q Do you know where he come from to enroll? A No more that other folks told me from Independence, Kansas.
Q He come back to your sister when it was necessary for him to come back for the purpose of enrolling? A Yes sir, he did then, and

this time I don't know what brought him; he stayed two or three months so they told me; I don't know, I never heard from him but when I do hear of him he has that woman with him.
Q Living with her as his wife? A Yes sir.
Q She is a white woman? A Yes sir, he never has been married to her that I know of.
Q Has he any children by her? A Two living and two dead so I have heard.
Q These children have been born since he has been keeping her? A Yes sir; I couldn't say positively.
Q Well, these children have been born since he has been keeping her? A Yes sir.
Q Do you know where he is now? A No sir, I don't.
Q Is he in the territory? A No sir, he is not at home there.
Q He would come down there and stay a while and then left and went off? A Yes sir, he come down here some time last month and then left directly a week before last. His folks told my sister they were going to Kansas.
Q Just after he had been down here to be enrolled? A Yes sir.
Q After the last time they summoned him here? A Yes sir, that is what my sister told me.
Q He come by there from Kansas didn't he? A Yes sir, he had been stopping there a while.
Q Does he contribute anything to her support independent of what she makes on the place around there? A No sir, I don'tthink he does. I don't know how they are getting along after he was gone; a while he drawed pension and after he comes down he would give her some for three or four months, and fix up his papers and go right backx for a long time when he first left and finally he quit doing that.
Commission: You say this man went off and left his wife some time in '96? A Yes sir.
Q How long was he gone before he came back and lived with her? A I don't think it was more than six months until he came back and stayed four days; I don't know, they don't live close to me.
Q His wife always takes him back when he comes back? A It seems that way. She is afraid of him.
Q And she never has made any racket about him going off with this other woman? A No sir, and she told my sister that he had promised to take care of her as long as she lived.
Q Does he bring this other woman down where his wife is? A Yes sir.
Q Takes them both in the same house? A Yes sir.

J. D. Smith, being sworn and examined, testified as follows:
By W. W. Hastings: What is your name? A J. D. Smith.
Q What is your age? A Forty-five years old.
Q Do you know Moses L. Grazier? A Yes sir.
Q Did you know him in 1896? A Yes sir.
Q Do you know about his having another woman up there and keeping her as his wife other than his Cherokee wife? A Yes sir, I suppose; he called her his wife.
Q Where did he keep her? A He bought a place from me right across the line in the territory and moved her over there.
Q When was that? A That was I think in '96.
Q Did he have any children by her? A Yes sir, I think they had one there.
Q Do you know whether they have since had any? A No sir, I don't.
Q Do you know what has become of him? A No sir, I do not.
Q Do you know whether or not he is living with her now? A No sir, I couldn't say that.

[illegible] L. [illegible]

Q. Have you known [illegible] of his [illegible] ? A. I have seen his [illegible] on tribe.
Q. Have you been [illegible] with [illegible] ? A. No sir, I never seen him with [illegible].
Q. You don't know [illegible] ? A. [illegible] I [illegible].

[illegible] now the [illegible] and [illegible] of this case until [illegible] for the [illegible] additional testimony [illegible] to the [illegible] of the applicant as well as his abandonment of his [illegible] wife.

Commission:

The motion will be [illegible] and the case continued until December 2, 1902.

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

B. G. Rothenberger

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

B. O. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. November 20th 1902.

In the matter of the application of Moses L. Grazier for enrollment as a citizen of the Cherokee Nation by Intermarriage.

Cherokee D 503

Motion to Re Open case.

Comes now the Cherokee Nation and moves that the case of Moses L. Grazier be reopened by the Commission to the Five Civilized Tribes and set for further hearing in order that the Cherokee Nation be afforded an opportunity of introducing further testimony to disprove the applicants right to be enrolled as a citizen of the Cherokee Nation by intermarriage.

In support of this motion the Cherokee Nation expects to prove by James Mayes and Susie Mayes and Randolph Ballard of Woodmore I. T. and by other witnesses that the said Moses L. Grazier did prior to September 1st 1902 abandon and desert his Cherokee wife and has been living with a white woman as his wife by whom he has children; that he deserted his Cherokee wife without cause and that he is not entitled to be enrolled as a citizen of the Cherokee Nation under section 667 of the Compiled Laws of the Cherokee Nation 1892, and on account of his non residence not entitled to enrollment under Paragraph 9 of section 21 of the act of Congress approved June 28th 1898.

This motion is not made for the purposes of delay but that justice might be done.

Respectfully submitted,

W W Hosking

Attorney for the Cherokee Nation.

Cherokee D-503.

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

In the matter of the application of Moses L. Grazier for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Comes now the Cherokee Nation and makes proof of service of notice upon the applicant, Moses L. Grazier, that they would upon this day offer testimony tending to disprove his right to enrollment as a citizen by intermarriage of the Cherokee Nation.

No appearance of applicant; Cherokee Nation appears by W.W. Hastings.

James H. Mays, being sworn and examined, testified as follows:

W.W.Hastings: What is your name? A James H. Mays.

Q What is your postoffice? A Needmore, I. T., Cherokee Nation, Delaware District.

Q Do you know Moses L. Grazier? A Yes sir.

Q Did you know him in 1896 and '7? A Yes sir.

Q Where did he live in '96 and '7? A I believe in '96 he moved over to Southwest City, Missouri.

Q Who with? A His wife and another woman.

Q Who was this other woman? A She was a white woman.

Q How long did he live over there with her? A They was over there about a year.

Q Did he live with this white woman as his wife? A Yes sir, they lived there in the house together.

Q When did he leave Southwest City, Missouri? A I think the following year, or '97, I think he moved to Afton.

Q Then where did he go? A He took this white woman up in Kansas.

Q In '97? A In the fall of '97.

Q What did he do with his wife when he went off to Kansas in '97?

A He left her here and the children.

Q How far do you live from his wife? A About fifteen miles.

Q Is his wife any kin to your wife? A Yes sir.

Q What relation? A Sister.

Q Where has he been living since '97? A He has been making his home principally up in Kansas.

Q Do you know whether this other white woman is with him or not?

A Every time I would hear from him they were together.

Q Did you ever see him with her? A Yes sir.

Q Where? A October last, I saw them together; he come on a visit to his other wife.

Q How long did he stay? A Just a few days.

Q Has he any children by this last woman, this white woman? A He said he had two and last two.

Q Four? A Yes sir.

Q Do you know what place in Kansas he has been? A He told me he has been up in Kansas City and Cherryvale, Kansas.

Q What did he say he was doing? A He said he had a drug store.

Q At Cherryvale? A Yes sir, said he practices medicine.

Q Has he lived up there except on occasional visits back here since '97 when he left his wife here? A Yes sir, most of the time.

Commission: How did you fix the time of Grazier going to Kansas in '97? A Well, I was well acquainted with him and I was just thinking that he was doing a wrong going off with that white woman and leaving his other wife.

Q I am talking about how you fix the time he left here and went to Kansas in '97? A I remember the time he was over to Southwest City, Missouri, and moved back; he lived there in '96 and moved back the following fall, or '97, and went to Kansas.

R-Moses L. Grazier-

Q How long did he stay on his home place after he came back from Southwest City? A Just a short time, a few days.
Q The first time he went to Missouri didn't he go away to look after testimony, after his pension claim - the year he went to Missouri after he came back from Southwest City again didn't he go to look up testimony? A Not that I knew of.
Q Did you hear him talking of making proof of his pension claim? A No sir.
Q You never heard of his pension claim? A I heard he had a pension; he was drawing a pension.
Q Did you hear of his going to Kansas City and attending a medical school during the time you say he was up in Kansas? A No sir, I don't know.
Q You don't know whether he went up there or not? A I have his word for it.
Q You heard he was in Kansas City attending medical school? A No sir; I heard he was in Kansas City.
Q Did he say what he was doing? A Practicing medicine in Kansas City.
Q How often did you say he had been back to the territory or Cherokee Nation? A He would come frequently back to his first wife and stay a few days and then go back again.
Q Doesn't his wife live over here in the Cherokee Nation? A Yes sir.
Q And isn't it a fact that he comes over to see her frequently? A Why not very often.
Q Well, how often? A I have known it to be ten months and he never come home.
Q He comes home and then goes there and stays with his wife when he comes there? A Yes sir, stays a few days with his wife and then goes back to the other woman.
Q He and his wife have never had any falling out or separation? A No sir, not that I know of.
Q They still call each other husband and wife and act as husband and wife when they are together don't they? A Y s sir, I guess they do.
Q Isn't it a fact that he and his wife have never separated and he is simply keeping a woman on the side like a good many men and think they cannot be handled by the law; isn't that a fact? A He is keeping this one.
Q Isn't it a fact that his wife knows that he is keeping this woman on the side and still allows him to come home and act as her husband, isn't that a fact? A Why they were both there together on the first of October.
Q He brings her to the house? A Yes sir, they were both there.
Q And his wife permits it? A I didn't see any hardness; they got along.
Q And he was keeping both women at the same time and his legal wife makes no objection to it? A I never heard her say a word for it or against it.
Q But you do know he has brought the other woman there and kept her a few days at a time with his wife in the same house? A Yes sir.
Q Where has this man Grazier been for the last year? A He has been up in Kansas.
Q How much of the time has he been in Kansas during the last year? A He has been there pretty much all the time.
Q How much of the time for the last year has he spent in the Cherokee Nation or Indian Territory? A I couldn't state positively how many days, nor exactly, because we live fifteen miles apart.
Q Isn't it a fact that he might come there to his place and you never know anything about it? A Yes sir.
Q Be there a few days and you not know anything about it, and the only way you know of his being there would be to hear some one else say it? A Why his children come to see us and they tell us.

Q About the extent of your information in regard to his coming back home there is hear say, what you get from your children? A They tell our children.
Q You haven't testified to these facts of your knowledge have you, most of them? A I am satisfied he is keeping that woman.
Q I am asking if you know it of your own knowledge about his coming back here to his wife, how often he comes? A No, I couldn't state positively.
Q You don't want to be understood as swearing that you can tell and do know every time that he has come back to see his wife in the last four years? A No sir, I couldn't state that.
Q And your information how many times he has been back to the Cherokee Nation is derived from what his children have told you? A We go up there and visit once in a while and we don't find him there.
Q How often do you visit there? A Some times twice a year and some times three imes.
Q You don't know how many times to your knowledge between the times you had been there at his house visiting that Grazier has been back there do you? A No sir, I couldn't state positively.
Q And you never heard his wife say that she and Mr. Grazier had separated? A N o sir, never heard her say either way.
Q But you know he has brought the other woman there and kept both women there in the same house? A Yes sir.
W.W.Hastings: He told you he was living with this other woman? A Yes sir.
Q And said he had children by her? A Yes sir, he said they were his, and said he would live with her as long as he lives.
Q You know he said he was living in Cherryvale and with this woman? A Yes sir, told me himself.
Q And said he had a drug store? A Yes sir.
Q You made inquiries because he was your brother-in-law about his residence, etc.? A Yes sir.
Q You heard it through the family as well as yourself? A Yes sir.

Susan Mays, being sworn and examined, testified as follows:
W.W.Hastings: What is your name? A Susan Mays.
Q Are you the wife of James H. Mays? A Yes sir.
Q Do you know Moses L. Grazier? A Yes sir.
Q Do you know his wife? A Yes sir.
Q What kin is his wife to you? A She is my sister.
Q Where is Moses L. Grazier now? A They told me they were going up in Kansas when they left.
Q Do you know with whom he is living up there? A He is living with that woman he has had there.
Q Is she a white woman or Cherokee? A She is a white woman.
Q Has he any children by her? A Yes sir.
Q Do you know what place in Kansas they are living? A No sir, she said they live in Kansas; I never asked her what part.
Q Do you know how long they had been living together? A I guess they have been living together off and on about six years. Their oldest child is six years old.
Q Do you know how long they have been living in Kansas? A They have been up there most of the time I think.
Q Do you know what year they went up there? A No sir, I don't.
Q Do you know what he is doing up there? A She said they had a drug store up there.
Q Who said that? A That woman.
Q The woman he had with him? A Yes sir.

4-Moses L. Grazier-

Commission: You say his wife is your sister? A Yes sir.
Q He comes back to see her frequently? A He comes back and stays a week or two sometimes and sometimes not so long.
Q Your sister and him still live together when he is there as husband and wife don't they? A I suppose they do, yes sir.
Q They never have had any separation that you know of? A No sir, not that I know of; he only brings that woman in there.
Q Has your sister any children? A Yes sir, six.
Q And he and these children stay there on the farm? A Yes sir.
Q They keep house there? A Yes sir.
Q And Mr. Grazier is a physician is he not? A He claims to be, yes sir.
Q And he claims to be practicing medicine? A Yes sir.
Q And your sister and children stay there on the farm? A Yes sir.
Q He comes back there how often? A Sometimes he stays away two or three months before he comes back.
Q You never heard of any difficulty between he and his wife? A She said she couldn't help the way he was doing brigning that other woman in there.
Q She didn't object? A She said she couldn't do anything; she had talked to him but she couldnt help it; she didn't like it.
Q She knows that he keeps that other woman? A Yes sir.
Q And when he is away from her that he and that woman are together? A Yes sir.
Q And yet she still lives with him and allows him to come home there? A Yes sir.
W.W.Hastings: He is no doctor? A Not that I know of.
Q He never practiced in that country? A No sir.
Q How long had you known him before he took up with that woman? A Nineteen years.
Q And had never practiced during that time? A No sir; And she said she didn't know whether he would come back or not.

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

E. L. Rothenbrook

Subscribed and sworn to before me this 8th day of December, 1902.

R. B. Jones
Notary Public.

Cher
Supp'l to D 503

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 2, 1903.

In the matter of the application of MOSES L. GRAZIER, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:
Applicant present in person;
W. W. Hastings, for the Cherokee Nation.

MARTHA GRAZIER, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Martha Grazier.
Q How old are you ? A I reckon I am about forty nine.
Q What is your post office ? A Marcissa.
Q Are you the wife of Moses L. Grazier ? A Yes sir.
Q You are a Cherokee by blood are you ? A Yes sir.
Q How much Cherokee blood do you have ? A I don't know.
Q About how much, half-breed are you ? A Yes sir, I reckon I am a half-breed.
Q When were you married to Mr. Grazier ? A In 1880 I reckon.
Q About how many years ago is it ?
A Why about twenty three years ago.
Q Are you his first wife ? A Yes sir.
Q Is he your first husband ? A Yes sir.
Q You were never married before ? A No sir.
Q Who married you ? A Jeff McGee.
Q Married under a Cherokee marriage license were you ?
A Yes sir.
Q Where were you married ? A At Jeff McGee's house, over on Cowskin prairie.
Q Where did you go to keep house then ? A Why we were living down here close to Euche.
Q What was your husband doing at that time ? A Farming.
Q Did he have a farm on Cowskin prairie there ? A No sir.
Q Where was his farm ? A Down here close to Euche.
Q And you went on your farm did you, the farm belonged to you did it ? A Yes sir.
Q And you went to keep house there on that farm ? A Yes sir, I guess so.
Q Why do you say you guess so, don't you know where you went to live after you got married ? A Why we--I had a place over on Grand River and we lived there a while.
Q Did you go there as soon as you were married ? A No sir.
Q Where did you go after you were married ?
A Went to Denmark on my uncle's place.
Q Did your husband go with you ? A Yes sir.
Q What did you do there, farm ? A Yes sir.
Q On your uncle's place ? A Yes sir.
Q Mr. Grazier worked on the farm ? A Yes sir.
Q How long did you stay there ? A I don't know just how long.
Q Several years or how long; don't you know how long you lived there ? A No sir.
Q Did Mr. Grazier stay there all the time and work on the farm ?
A Yes sir.
Q Then where did you go after you left there ?
A Got a home down to Euche close to where my mother lived.
Q What did you do there, farm again ? A Yes sir.
Q Was that your farm ? A Yes sir.
Q Stayed there sometime did you ? A Yes sir.

Q Did Mr. Grazier farm there ? A Yes sir.
Q All the time you were there he farmed ? A Yes sir.
Q Then where did you go after leaving there ?
A Why I don't know where-all, I been a good many places.
Q Your husband been with you all the time ? A Yes sir.
Q Lived with you all the time ? A Yes sir.
Q Never left you at all ? A No sir.
Q Never went away from home ? A No, not away from home very long at a time, he goes off like other men does to practice medicine.
Q Was he a doctor when you married him ? A Why he didn't doctor any then.
Q He didn't ? A No sir.
Q When did he become a doctor ? A He doctored among the home folks.
Q At the time you married him ? A Yes sir.
Q Did he go off to school to study medicine ? A No sir; he went to school but he come home I guess.
Q But while he was living with you he never went off to college ?
A No sir.
Q Didn't he go up to Kansas to practice ? A Yes sir.
Q He was away from home then wasn't he ? A Yes sir, I said he was away from home part of the time.
Q How long a time would he be gone ? A A week or two at a time.
Q He would never be gone away from home for more than a week or two at a time ? A He probably went three weeks at a time.
Q But not more than that ? A No sir.
Q He never left you at all did he ? A No sir, he never left me.
Q Did he write to you when he was gone ? A Yes sir.
Q Did you ever complain about his going away ? A No sir.
Q Never at any time ? A No sir.
Q You never regarded that he had left you or intended to leave you at all ? A No sir, he never left me.
Q Has your husband always supported you ? A Yes sir, always will I reckon as long as he lives.
Q How many children have you ? A I have six.
Q By Mr. Grazier ? A Yes sir.
Q How old is the youngest one ? A She's six years old I guess.
Q Do you know whether Mr. Grazier ever lived with any other woman besides you ? A No, I don't know anything about his business what he does when he is off from me.
Q Did you ever hear that he did ? A Well I have heard just as much as anybody, there has been talk of that kind I suppose.
Q You say you have heard that ? A Yes sir.
Q More than once ? A Yes sir.
Q Did you ever talk to your husband about it ? A No sir.
Q Never did ? A No sir.
Q And he never talked to you about it ? A No sir.
Q Did you ever have any talk with your husband about enrolling ?
A No sir.
Q You applied for his enrollment did you ? A Yes sir.
Q Did you have any talk with him about that ? A No sir.
Q None ? A No sir.
Q Did you have any talk with him before you came down here today about what you would testify to ? A No sir.
Q You have never talked to him about it at all ?
A I don't know what we have talked about. I reckon I talked about what I pleased.
Q Well did you talk about this matter ? A No, I aint talked about it.
Q To your husband I mean ? A No sir.
Q You know that there have been some charges that your husband left you and lived with another woman, you know that don't you ?
A Why that's what I heard, I don't know anything about it.
Q Well did you never talk with your husband about that ? A No.
Q Never at any time ? (No response).

Q What ? A No sir.
Q You are quite certain that you and your husband have never talked about this matter ? A Why I don't know; I don't know what we have talked about.
Q I am asking you if you have ever talked about this matter ?
A Why yes, I guess I have.
Q Did he ever tell you what to say if you were ever called before the Commission ? A No sir.
Q What you are telling now is of your own free will ?
A Yes sir.
Q And you say that within twenty three years your husband was never away from home for more than three weeks at a time ? A No sir.
Q He never was, was he; is that what you mean ?
A Yes sir.
Q And that you have heard that he was living with another woman and have heard it several times, and never talked to him about it ?
A I told you I don't know what we talked about, that's our business what we talk about I guess.
Q Yes, but it is the Commission's business too. I want you to say Mrs. Grazier whether you and your husband have ever talked about this matter that he is charged with, or not ?
A I told you I guess we have.
Q You did talk to him then about his living with another woman ?
A No, not about that.
Q Never talked about that ? A No sir.
Q And he never talked with you about it ? A No sir.
Q Well did you have any talk before coming here today about what you would say in answer to questions put to you ?
A No, I knowed what I would have to answer.
Q Did you know what you would be asked about ? A Yes sir, I knowed I would be called up to answer if he had left me, I heard that the complaint was that he left me; he never did leave me; of course he was off from home some, but he never left me.
Q What was he off from home doing ? A I told you a while ago he was practicing medicine.
Q Up in Kansas ? A Yes sir.
Q He would write to you while he was gone ? A Yes sir.
Q Never had any trouble or words ? A No sir.
Q Always been living together for twenty three years as husband and wife ? A Yes sir.
Q And never had any trouble at all ? A No sir.
Q You have testified before the Commission already about this ?
A Yes sir.
Q How did you know what you would be examined about today ?
A We got the letter.
Q How did you say you knew this Mrs. Grazier ? A By letters.
Q What letters ? A I got a letter from Muskogee, I supposed Mr. Hastings here wrote it.
Q When was that Mrs. Grazier ? A I don't remember just what time it was I got that.
Q Did you read the letter ? A Yes sir.
Q Do you remember what the letter said ?
A No sir, I don't remember any more what it said.
Q But you knew from that letter that you were going to be examined as to the alleged separation between you and your husband ?
A Well yes sir, I thought I could prove that he hadn't left me.
Q Well how much of the time has your husband been farming and how much of the time practicing medicine since you were married ?
A Why I don't know.
Q Has he practiced medicine a good deal ? A Yes sir.
Q A good many years ? A Yes sir.
Q Mostly up in Kansas or in the Cherokee Nation ?
A Why he is at home most of the time.
Q What do you call home ? A At my home in the Cherokee Nation.

Q At Nareissa ? A Yes sir.
Q How long have you lived there ? A I have lived there about two years I guess, on that place where we are now.
Q When was the last time your husband was away from home practicing medicine ? A Along this last winter.
Q How long was he gone then ? A I told you he was gone a couple of weeks.
Q Have your children always been at home with you ? A Yes sir.
Q How did you come to make application for your husband, wasn't he there with you at the time ? A Yes, he was here with me.
Q How did it come that he didn't make application; you were the one that made the application ? How was it that you came to make application for your husband and you were both there at the time ?
(No response)
Q What do you say ? You applied for your husband, yourself and your children ? A Yes sir.
Q How did you come to do it, if your husband was there with you, why didn't you lef him do it ? A I don't know.
Q Did he ask you to do it ? A No sir, just sitting where a table was like this, and one woman got up, and I set in the seat there when she got up, and I enrolled my children and myself.
Q Your husband didn't ask you to make application ?
A No sir, I came here for that purpose, to enroll myself and my children.
Q You were before the Commission after they enrolled you and testified about this matter ? A No sir.
Q This is the third time, isn't it, that you have been before the Commission ? A No sir, I guess not, I don't know.
Q Weren't you before the Commission last year ?
A I was before the grand jury once, that's all I know about it.
Q Weren't you before the Commission down at Muskogee ?
A No sir, I wasn't down at Muskogee at all.

Examined by Mr. Hastings:

Q How far do you live from Vinita, Mrs. Grazier ?
A I reaken its about thirty miles. About twenty or twenty five miles I guess.
Q How far do you live from the railroad ? A About two miles.
Q That's near where old Fairland is ? A I guess that's yonder side of Fairland.
Q Did Mr. Grazier come down here with you this morning ?
A Yes sir.
Q How long---did he stay at your house last night ?
A Yes sir.
Q How long has he been there this last time ?
A About a month.
Q Where did he come from when he came there Mrs. Grazier ?
A Kansas, I guess.
Q Now Mrs. Grazier, you know he has another woman up there by whom he has several children, don't you ?
A Why I don't know nothing about it.
Q Why he had that woman at your house ? A Why yes, there was a woman at my house.
Q He brought her there didn't he ? A Yes sir.
Q She has some children ? A No, she had one.
Q She has had more, hasn't she, than one child ?
A I don't know, I suppose so.
Q Well, haven't you heard it ? A Yes sir.
Q Aint it generally and commonly known that he has had more than one child by this woman ? A Why I don't know who knows.
Q Isn't that generally known throughout the country ?
A Yes sir, I guess that's the talk.
Q It has been talked since the Cherokee payment hasn't it ?
A Yes sir.

Q He lived with her over there at Southwest City ?
A No sir, notthat I know of.
Q Didn't he live away from you a while when she was over there ?
A No sir, he was at home.
Q Now how long has he been up in Kansas, more or less, how many years ? A I don't know, a good many years.
Q A good many years ? A Yes sir.
Q Now you know, and it is commonly known that he is living with this woman up there aint it, you have heard that all the time, haven't you ? A Yes sir, I have heard it. I don't want to know all the facts in the case.
Q You have come here to testify and I want to get you on record. Now he was at your place this last week ? A Yes sir.
Q Now when he came to your place he came from up there in Kansas, didn't he ? A Yes sir.
Q He came from where you heard he had been up there with this woman up there ? A Why I don't know whereabouts, but he was from Kansas.
Q Now how long had he been in Kansas, isn't it a fact that he has been in Kansas all this past winter and only comes now and then to see you ? A Yes sir, he comes home to see the children and myself, why he has never left me.
Q How long would he stay at your place when he would come by there ?
A Why he would stay until he gets ready to go again.
Q Yes, I know that; but about how long would he stay ?
A He would stay a good while, until he would get ready to go.
Q How many times has he brought this woman to your house ?
A Why I don't know, a good many times I guess.
Q Has he brought her there a dozen times ? A Well I expect.
Q He would go off with her ? A Yes sir.
Q He would bring her there in a buggy or a wagon, in some conveyance, they would come there together, and go together ?
A Yes sir.
Q And isn't it a fact that he has been living with this woman practically since the Cherokee payment; most of the time ?
A I don't know what he has been doing up there, he has been up in the State.
Q Hasn't that been your information ? A Why I expect so.
Q Well now, say before a month ago when he came from Kansas down to your house, how long had he been in Kansas, from, say up to the first of March ? A Why he took sick up there and he didn't get back for three weeks or more.
Q Now isn't it a fact that he has been in Kansas all of last year ?
A Well I reckon.
Q You know he has been in Kansas all of last year ?
A Yes sir, he has been in Kansas a good many times.
Q Hasn't he been there practically all the time for the past four years ? A I don't know.
Q Isn't it a fact that when he come to your house he would come and stay all night maybe and maybe one day and go on ?
A No sir, he would stay a while; that aint the way he done.
Q How long did he stay there last February ? A Well I don't know.
Q Pretty near every time--he has been coming to your house more since this enrollment question come up that he has been coming before, hasn't he ? A No sir, I don't see any difference in it.
Q Don't you know, Mrs. Grazier, that he has been living up there in Kansas with a woman, and that he don't come to your house only now and then, and comes through the country and stays a day or two, and brings this woman with him, and when he goes away he takes this woman off with him ? A Well where did you get that news ?
Q I am asking you ? A Well, I will ask you.
Q You are under oath.

The Commission: Answer the question Mrs. Grazier.

A Why no, he never come there to stay all night and go off again, that's not true.
Q Where did he make a crop last year, 1902, didn't make one on your place ? A Why yes, he has got boys there to work.
Q I am asking you did he himself.
A No, he don't work any.
Q He was off up in Kansas with this woman ? A Why he was up there, I don't know anything about this woman.
Q Can you show a single letter he ever wrote you ? A Sir ?
Q Did he ever write you a single letter ? A Why I don't know.
Q You don't even know his post office up there, do you ?
A I suppose I do.
Q Well what was it ? A I don't remember.
Q He never wrote you a single letter from Kansas, did he ?
A Why he writes, of course he has.
Q Did he ever write one to you ? A He writes all the time when he is away.
Q Well, when did he ever write one to you ?
A He wrote one the last time he was off.
Q Where from ? A (No response)
Q Where from ? A I don't know; somewhere in Kansas.
Q When was he at your house the last time with this other woman ?
A Along last summer I guess.
Q Did he have her there this last winter ?
A I don't know whether he did or not.
Q Is she up there now at your place ? A Well, yes, she is up there.
Q She is up there now ? A Yes sir.
Q He brought her down there too didn't he ?
A No sir, she came herself.
Q Well, he sent for her ? A I don't know nothing about that.
Q When did she come ? A I can't tell you the day when she came
Q About how long ago, a week or tendays ? A Yes sir.
Q How long after he came this last time ?
A Oh about a week or two.
Q How many children has she now ? A She has two.
Q How old is the oldest one ? A She's about six years old now.
Q He recognizes those children as his children don't he ?
A Why I don't know.
Q Don't you know now Mrs. Grazier that he has recognized these children as his children ? A I guess so.
Q And you know he treats that woman as his wife don't you ?
A No, it aint his wife, he has never been married to her; but how many men do live in that kind of style.
Q About how many years ago was it that he first went to Kansas ?
A Why I don't know just when it has been.
Q You don't remember when its been ? A No sir.
Q He told you to come down here this morning, this man Grazier ?
A No sir, he didn't tell me to come, I come to file for my children.
Q To file for your children ? A Yes sir.
Q He told you what he wanted you to swear didn't he ? A No.
Q How did you know what you were going to say ?
A Your letter called for testimony in that case, you know, that he had left me.
Q You don't regard that as leaving you when he is up there for six years in Kansas with another woman and having children by her ?
A No, he has not left me, I thought when a man left a woman he left her with a house full of children and never provided anything.
Q How much money did he send you last year ?
A He sends money when he don't come, and leaves me money when he goes off.

Q How much money did he give you last year ? A I don't know.
Q Tell me one time when he ever sent you a dollar, when he ever sent you any money ? A Why he sent me money all the time when he is gone, and when he goes off he leaves me money.
Q How much money did he send you last year ? (No response)
Q He never sent me any money last year? A Yes sir.
Q When did he ever give you any money ? A Why he gives me money every time he goes away, and when he don't come he sends me money.
Q When did he ever send you any money ?
A This last time he was gone.
Q Well, how long ago ? A Its been about a month ago I reckon
Q How much did he send you ? A About $15.00
Q How much did he send you ? A About $15.00
Q Did he send it by letter ? A Yes sir.
Q You don't know where from ? A No, I don't remember.
Q You don't know the post office at all ? A No sir.
Q When did he ever send you any more ?
A Why he has been home ever since. After he sent me that money he come home in a few days.
Q How long after he sent you that money before he came ?
A Not very long; I don't remember.
Q Two or three days ? A I reckon.
Q Well, the fact is, he brought it with him, didn't he ?
A Sir ?
Q Didn't he bring the money with him when he came ?
A Yes sir, he brought some and sent me some before he come I said.

---

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 July 23, 1903.

Samuel Foreman,

Notary Public.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION
BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D 585

Muskogee, I. T., Jan. 17, 1902.

Mr. Randolph Ballard,

Needmore, I. T.

Dear Sir:

Write me fully the where-a-bouts of N. L. Grazier, whether or not he is at present living with his wife, and whether or not he is living in the Cherokee Nation. My recollection is that there was some testimony to the effect that this man had separated from his wife and was keeping some other woman, and if this is true it will effect his right to enrollment as a citizen by intermarriage, and while I do not want to do him any injustice, I want the interest ~~nt~~ of the Nation and all conserned protected.

Yours very truly,

Atty. for the Cherokee Nation.

Need more
I. T.

Jan 24-1902

W. W. Hastings
Muskogee
I. T.

Dear Sir:

In reply to your letter can say that M.L. Grazier (the last time I heard of him) was living in Independent Kas, with another woman.

I learn too, that he has left his wife, but is back with her now on a visit

Yours truly
Randolph Ballard

# SUBPOENA.

INDIAN TERRITORY,
Cherokee Nation.

TO THE MARSHAL FOR THE CHEROKEE NATION.

**You are Commanded in the Name of the Cherokee Nation,** by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons

Randolph Ballard, Needmore, I. T.

to be and appear before the United States Commission at Muskogee, I. T.,

~~In District Court~~ the 28th day of

February, 1901 then and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under my hand this the 13th day of February, 1901

W W Hastings

Attorneys for the Cherokee Nation.

2503 -

# MARSHAL'S RETURN.

INDIAN TERRITORY,
Cherokee Nation. } SS.

**I HEREBY CERTIFY** That I received the within summons on the.. day

of.....1901, and that I served the same by copy, as follows:

Personally on ... at.. ...this.....day of..... .....1901

Personally on ... ...at ... this .... .....day of... .....1901

Personally on .. ... ... .....at..... .. ..... .....this.... ....day of. 1901

At residence of.. ... ... ... at ... .. ..this... ... ...day of.. . 1901

At residence of.....at . . this.....day of... . .. ....1901

At residence of.....at.. ..... .... .... ..... ..this..... ....day of. . . ..1901

With a member of witness's family over fifteen years of age there residing.

.....
Marshal for the Cherokee Nation

Redwood L. T.

February 21-1902

W. W. Hastings Esq

Dear Sir:-

In reply to your letter of recent date will state that I will be at Muskogee on Feb. 28th 1902

I am Very truly
Randolph Bolling.

ATTORNEYS:
L. B. BELL.
W. W. HASTINGS.
JAMES S. DAVENPORT.
J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D. C. D. 503.

Muskogee, I. T., Feb. 26,1902.

City Marshal,

Independence, Kansas.

Dear Sir:

Enclosed herewith please find a notice, which I wish You would serve on . L. Grazier, who I understand is now living in Independence, Kansas. Serve the notice by delivering a copy to Grazier, and then sign the lowest affidavit on the back and swear to it before a Notary Public, and return to us by first mail. The case is set for the 28th of this month, and I wish You could get service tomorrow in time to return in first mail so that we can have it here on the 28th. Send Your bill along for service and we will be pleased to remit same.

Yours truly,

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-503

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that your motion to reopen the case of Moses L. Grazier, an applicant for enrollment by this Commission as a citizen of the Cherokee Nation, for the purpose of introducing further testimony tending to disprove his right to enrollment, has been granted and the case set down for further hearing at the office of the Commission, Muskogee, Indian Territory, on the 2nd day of December, 1902.

Respectfully,

Acting Chairman.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-503

Muskogee, Indian Territory, March 26, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

Moses L. Grazier, an applicant for enrollment by this Commission as a citizen by intermarriage of the Cherokee Nation, has this day been notified that before his application will be complete, it will be necessary that he introduce further evidence touching the question of his abandonment of his Cherokee wife. He has been notified that this testimony may be introduced on or before April 21, 1903, and you are now hereby notified that any further testimony which you may have to offer in this case can be presented before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on that day.

Respectfully,

Chairman.

GRS

Registered Letter Parcel No. 1862 Post Office. Muskogee, Ind. Ter.

Received 7/14 1902 from

J C Starr

Moses L Grayer

Houston T. Leitch, P. M.

D509

Moses L. Grayer

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After 10 days, return to

MUSKOGEE, IND. T.

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UNITED STATES POSTAGE
TWO CENTS

W. W. Hastings

Muskogee, I. T.

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DEPARTMENT OF THE INTERIOR
BOARD OF TAX APPEALS
FILED
OCT 4 1966
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 3, 1900.

In the matter of the application of James Duncan for the enrollment of himself as a Cherokee citizen, being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A James Duncan.
Q How old are you? A I don't know, recollect exactly, I think I am going on 50.
Q What is your post-office? A Afton.
Q What district do you live in? A Delaware.
Q Who is it you want to put on the roll? A Just myself.
Q Are you a Cherokee by blood? A No sir.
Q You are a white man? A Yes sir.
Q Where is your marriage license? A (Produces papers)
Q When were you married, in 1868? A Yes sir.
Q To whom were you married? A Married to Tempy Ann Schrimpher.
Q Is she living still? A No sir.
Q When did she die? A In 1880 I think.
Q Did you live with her from the time you married her until she died? A No sir.
Q When did you separate from her? A In 1871.
Q When did you marry again? A In 1884.
Q Are you on the roll of 1880? A I don't know; I don't think I am though, I wasn't here when the roll of 1880 was taken.
Q To whom did you marry that time? A I married Sarah Miller.
Q Miller was her maiden name? A Yes sir.
Q And before she married you she was a Copeland? A Yes sir.
Q Is she living now? A Yes sir.
She was out here and enrolled the other day.
Q Is she living with you as your wife? A Yes sir.
Q How old is she now? A She is going on 60 I think, 59 or 60.
Q Have you got a certificate of your marriage to her? A I have just got a little certified certificate. (Produces papers)
Q This is just a sort of certificate made out here afterwards,
A Yes sir, I never got no certificate from him at the time I got married.
Q Did you get a divorce from your first wife? A No sir.
Q Did you leave her or did she leave you? A She left me and took another man and had a child by him.
Q And you were not married between the time she left you and the time you married your present wife, Sarah? A Yes sir
Q Have you lived with your wife Sarah ever since your marriage to her in 1884? A Yes sir.
Q Where did you live from the time you left your first wife until your marriage to your last wife? A I lived on the place I am living now while I was in the Nation here.
Q Where did you live? A I got into some trouble, then follows robbing me of my horses, and I was sent to the house of correction at Detroit, at the house of correction.
Q The people robbed you and you were sent to prison? A Yes sir.
Q What became of the people that did the robbing? A They was shot down up here on Caney.
Q Where did you live between 1871 and 1884? A Right at home where I am living now, in Delaware District, on Horse Creek, 4 miles east of Afton.
Q Do you mean to tell me that you were sent to prison because some one robbed you of your Horses? A Yes sir, there was 16 of us went to arrest them and ~~xxxx~~ because we went to arrest them without a warrant Judge Parker assigned it a violation of the law; it was sixty miles to Ft. Smith and there was sixteen of us went to arrest them and they fought.
Q When you were sent to prison for shooting [illegible]? A I was

James Duncan #2

[illegible] there for trying to arrest them.
Q [illegible] was for the assault, don't or the horse stealing? A Yes sir [illegible] assault.
Q Were you in prison in 1870? A Yes sir.
Q In what year was it you got into trouble about the assault?
A 1874.
Q How long did you stay in prison? A I stayed there five years and five months, and a half; there was three among.
Q Then when you got out you came right back here? A Right home.
1880 roll for wife, Page [illegible] Sarah Copeland, Delaware Dist, native Cherokee, 38 years old.
1880 roll for applicant, page 304 #134 James Duncan Delaware Dist.
1896 roll for wife, page 141 #[illegible] Sarah Duncan, Delaware District native Cherokee.
Com'r: The applicant presents license issued by the Clerk of Delaware District on the 5th day of February 1868, authorizing his marriage to Kanga Sahrinpsher a Cherokee citizen; and the certificate indorsed thereon shows that they were married on the 29th of the same month, 1868; this is filed herewith.

Examined by Cherokee Rep've Baugh:

Q How long after your marriage to your first wife before you separated from her? A I married in 1868 and we separated in 1871.
Q What was the cause of that separation? A I went to Ft. Smith at the time of court and was gone about four weeks, and when I came back she had took another man and had a child by him, and the child is on the roll.
Q Had a child in four weeks? A She lived with him and had a child by him.
Q Was there any other cause for that separation but das that?
A No sir.
Q Had you and she always lived together as man and wife up to that time? A Yes sir. We had never had no trouble. [illegible]
Q [illegible] Before I got my license and married she went off and left me once, before; we married in 1865.
Q Did you always treat her as man and wife A Yes sir, as near as I was able. I kept her plenty to eat.
Q She never lived with you after you came back from Ft. Smith? A No sir.
Q Why didn't you procure a divorce from her after you came back?
A After she this first one left me she went and took up with another man and lived with him [illegible] then she finally married a man named George Sutherlin.
Q Why didn't you procure a divorce? A I wanted to give her a divorce once and the clerk told me it wasn't necessary.
Q Why was you going to give her a divorce, why didn't you sue her yourself? A I never married no more until after she died, and I married this wife.
The clerk told me I didn't need it; she had married a man named Sutherlin.
1880 roll page 141 #[illegible] Fanny Southerland [illegible] Dist.

Comm'r Cracking[illegible]: The applicant is shown to have married a Cherokee woman in 1868; he states that they separated in 1871, and he did not marry from that time until his present marriage, which was consummated in 1896; he is not on the roll of 1880, which he states is due to his being in prison at that time, arising from an attempt to arrest certain horsethieves; he never procured a divorce from his first wife, and states that he did [illegible] a second time and could [illegible] he is identified on the roll of 1880; his present wife is identified on the rolls of 1896 [illegible]

[illegible]

[illegible]

[illegible]

K. D. Green, being [illegible] that as stenographer to the Commission [illegible] he correctly recorded the testimony [illegible] 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 [illegible] day of October 1900.

Commissioner.

Supplemental Testimony to go with D Card #504.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3d, 1900.

Supplemental testimony in the matter of the application of James Duncan for enrollment as a citizen of the Cherokee Nation:

T. J. McGEE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A T. J. McGee.
Q How old are you? A 56 years old.
Q What is your post office? A Miami.
Q How long have you livedin the Cherokee Nation? A 56 years.
Q You are here to give some additional testimony in a case? A Yes, sir.
Q What is the name of the man whose case you want to give additional testimony in? A James Duncan.
Q It is a question about his separating from his first wife is not it? A Yes, sir.
Q Who is to blame in that separation? A She left him.
Q Did he give her any cause to leave him? A He always provided for her; he was a man that always kept plenty around him.
Q What about his treatment of her? A He always treated her all right.
Q What did she leave him for? A He had a difficulty there at his house and killed his brother and then he was taken to Fort Smith and while he was there she took up with another man.
Q Did he do anything for her support when he left her? A She was with another man. He came clear and came back.
Q Did he lead a correct life himself? A The trouble there and trouble later on he got into was the only trouble I knew of him getting into. In 1877, he got into trouble with some folks coming there and took his horses away from him.
Q You think he always deported himself as a man ought? A Always that way.
Q Did he treat his wife in a proper way? A Yes, sir.
Q You never heard of his mistreating her? A Not whil I was there.

---ooo000ooo---

J. O. Rasson, 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 Rasson

Subscribed and sworn to before me this 8th day of September, 1900.

C R Breckinridge

Commissioner.

D. 324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of James Duncan for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant present in person and by attorney, W. P. Thompson, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day appears in person, to wit the 28th day of February, 1902, and by his attorney, W. P. Thompson.

JAMES DUNCAN, being duly sworn, testified as follows:

MR. THOMPSON: What is your name? A James Duncan.
Q Your age? A 60.
Q Postoffice? A Afton.
Q You are the applicant in this case? A Yes, sir.
Q I notice the record in this case is reported as having you say in answer to this question: "And you were not married between the time she left you and the time you married your present wife, Sarah?" Your answer to above question in the record is "Yes, sir." Is that correct or not? A That is not correct.
Q You were never married from the time your wife Sarah left you until you married your present wife then? A That is right.

LEWIS MOORE, being first duly sworn, testified as follows:

MR. THOMPSON: What is your name? A Lewis Moore.
Q Postoffice? A Needmore.
Q Age? A 48.
Q Do you know the applicant, James Duncan? A Yes, sir.
Q Do you know where he was in 1880 when the roll was taken?
A Yes, sir.
Q Where was he? A He was in Detroit I think in the penitentiary.
Q Was he confined at Detroit? A Yes, sir.
Q Did you know his first wife? A Yes, sir.
Q You know the time they separated? A Well, not just exactly, I don't, no, recollect the time they separated.
Q Do you know the cause of the separation? A Not exactly.
Q Well, do you know which one kept the home where they were living?
A Duncan.
Q And did they have any children? A Yes, sir.
Q Who kept the children? A Duncan till he was sent off.
Q Do you know about his first wife having an illegitimate child?
A Yes, sir.
Q How long was that after they separated? A As well as I can recollect about a year I think.
Q Do you know whether she had taken up or was living with some one? A Nothing only just what I heard.
Q Do you know whether his first wife was dead at the time he married his second? A No, sir, I couldn't be positive about that.
Q Well, had you heard anything of it? A Yes, sir, I heard she was dead.

MR. HASTINGS: Well, now, how did you hear it? A Well just like you hear any other talk.
Q Well, how far did she live from you? A Well, couldn't even tell you now where she lived when she died.
Q You don't know who you heard it from? A No, sir, only just country talk.
Q You don't know what year you heard she died? A No, sir, not exactly.
Q Do you know in five years of what year it was? A Oh, yes, sir.
Q Well, now, tell it then? A Well, it would be just a guess, it was between 1874 and 1880, somewheres along there.
Q That is as near as you can come to it? A Yes, sir.
Q How far did you live from them when they lived together as husband and wife, when Jim lived with his first wife? A About four miles I guess.
Q You don't know anything about what caused the separation? A Nothing only just talk.
Q Just talk? A Yes, sir.
Q You know nothing from this woman? A No, sir.
Q It was not her talking? A No, sir, it wasn't her talk.
Q Do you know the exact date of their separation? A No, sir.
Q Do you know the exact date of the birth of this child after the separation? A No, sir.
Q Do you know exactly how long it was afterwards? A Somewheres near about a year, I know I had rented Duncan's place that next spring, and was living there.
Q How long was it after they separated before this man was convicted and sent off to the penitentiary? A I couldn't tell you how long it was after the separation, don't remember.
Q As much as twenty years? A No, it wasn't that long.
Q Well, fifteen? A I couldn't say exactly how long.
Q Well, do you think it was as much as fifteen years? A No, I don't think it was that long.
Q Do you think it was as much as ten years? A No, I don't think it was that long.
MR. THOMPSON: Well, don't you know anything about it; tell—
A All I know is about the time he and Park got into the trouble and I was living on his place and he and his woman had been separated then.
MR. HASTINGS: Well, about how long? A Well, maybe two or three or four years.
Q Well, is that your best judgment? A Yes, sir.
Q You don't know much about the separation no way do you? A No, sir, not about the separation.
MR. THOMPSON: Do you know whether you heard she was dead before 1884 or not? His first wife. You either know it or don't? A Well, I know that I heard she was dead.
Q Before 1884? A Yes, sir.
Q Well, do you know that he was in the penitentiary in 1880 for that shooting of those horse thieves up there? A Yes, sir.
Q Well, you lived on his place when he was sent there? A Yes, sir.
Q Well, you know about those facts don't you? A Yes, sir.

T. J. McGHEE, being first duly sworn, testified as follows:

MR. THOMPSON: What is your name? A T. J. McGhee.
Q Age? A 58.
Q Postoffice? A Dawes, Indian Territory.
Q Do you know about the time of the marriage of James Duncan to Sarah Miller or Copeland? A About 1884 is the best of my recollection.
Q Do you know whether his first wife, Tempy Ann Schrimpsher, was

dead at the time that he married Sarah Miller or Copelanu? A Well, he was married by the deputy clerk, I was away, down at Tahlequah, and when I came back home he said that he had married Jim Duncan, and he said that they stated----

MR. HASTINGS: I don't think that would be----

MR. THOMPSON: Well, had you heard of her death before that time?

A Yes, sir.

Q Do you know where Jim Duncan was in 1880? A He was reported to be at the house of correction.

Q Well, do you know of the circumstance of the assault in regard to some horse thieves up there, for which he was sent? A Well, I only heard of it.

Q Well, you know about the circumstance, I asked you? A Yes, sir, I heard of it.

MR. HASTINGS: Well now you lived on the east side of Grand River? A Yes, sir.

Q And over on Cowskin Prairie Jim Duncan lived on the west side?

A Yes, sir.

Q Now how far did he live from you? A We lived about fifteen miles apart, twelve or fifteen miles.

Q Is that all? A Yes, sir.

Q Now how long before 1884 had you heard of this woman being dead?

A It would be hard matter to say.

Q Who did you ever hear say it? A Why my deputy clerk that married them.

Q Well that was at the time? A Yes, sir.

Q That was after the marriage. Who did you hear it from? A I heard it from Mr. Duncan.

Q From Mr. Duncan himself and that is since he has been here?

A No, sir.

Q Well, when did you hear it before? A I couldn't say just exactly.

Q Had you heard it before from anybody else? A Well, I couldn't say who else I might have heard it from.

Q You couldn't state that? A No, sir.

COMMISSION: You submit the case, Mr. Thompson?

MR. THOMPSON: Yes, sir.

COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted ten days in which to file a brief in this case, one copy with the Commission, and one copy with the representatives of the Cherokee Nation.

—:—:—:—:—

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

Arthur G. Gruninger

Subscribed and sworn to before me this 1st day of March, 1909.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 22 1902

ACTING CHAIRMAN

Cherokee D 504

D. 502.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 6, 1902.

In the matter of the application of Andrew T. Watie et al for enrollment as Cherokee citizens.
Applicant represented by Thomas H. Owen, by courtesy of Messrs. Mellette and Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TO D-502.

RUTH D. FINDLEY, being first duly sworn testified as follows:
COMMISSION: Give the stenographer your name please? A Ruth B. Findley.
Q What is your post office address? A Watova.
Q Indian Territory? A Yes sir.
Q How old are you? A I am 52 years old.
Q Mr. HASTINGS: What was your maiden name? A West.
Q Where did you live during the war? A Why, we lived on Red River in the Choctaw Nation.
Q When did you come back after the war? A Came back in May '66.
Q May of '66? A Yes sir.
Q Did you know General Stand Watie? A Not until the summer of '67
Q Whee were you living then? A I was living in Briar Town.
Q Is that in the Cherokee Nation? A Yes sir.
Q Where was General Stand Watie at that time when you learned to know him? A Why he moved into the neighborhood of where I lived.
Q Where did he move from? A I suppose from Texas or the Choctaw Nation where he was out there I did'nt know anything of himbefore that.
Q Had he moved in from the south? A Yes sir he moved in from the south.
Q How near to you did he live to you? A Why it was about four or five miles where he camped for a while in the neighborhood.
Q Camped? A Yes sir, and moved four or five miles above there afterward on the Candaian River.
Q Well now, when did he move there from the south near you, in camps as you state, what time in the year? A Well, latter part of the summer of '67.
Q Did he have his wife and family with him? A Yes sir.
Q Now you had been living in that neighborhood in Canadian District for how long, how long had you been back there? A We come back in May '66.
Q And you had been there more than a year in that neighborhood?
A More than a year when he moved there.
Q And General Stand Watie and his family come the latter part of the summer of '67? A Yes sir.
Q You never knew them down south? A I never knew them.
Q You did'nt know then before the war? A No sir.
MR. OWEN:
I did'nt understand what you said your name was?
A Ruth D. Findley.
Q What is your post office address? A Watova.
Q Watova? A Indian Territory.
Q How long had General Stand Watie lived near Briar Town before you got acquainted with him? A Why the family visited at my home soon after they moved there, and after that my mother and me went to their home after they moved on this place above us about eight or ten miles.
Q How far did they live from where you lived? A Why I guess it was about eight or ten miles from there to where they moved after they first came to the neighborhood.
Q First you knew of them was when they moved there in the neighbor-

here? A Yes sir.
MR. HASTINGS: Did you know Saladin Watie? A Yes sir.
Q Do you know when he died? A He died between the 10th and the 16th of February; I dont say what day of the month.
Q What year? A In 1868.

SUSAN HOWLAND, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name, please ma'am? A Susan Howland.
Q What's your age? A I will be 54 the 15th day of this month.
Q What is your post office? A Bennett.
Q Were you married at the close of the war? A I was married during the war in '63 and then got married again after I came back here.
Q Did you ever know General Stand Watie? A Yes sir.
Q Where did you know him? A I knowed him in the Choctaw Nation, just seen him pass backwards and forwards, he lived down in the Choctaw country close to Red River and down in Texas.
Q When did you see him down there? A I saw him, about the last time I saw him was near Fort Washita in '67, about a week before we started.
Q When did you leave there? A We left th ere in '67.
Q What time in '67? A We left there, I dont remember what day, it was in January, sometime the latter part of January.
Q Of '67? A Yes sir.
Q Where did you come to? A We was living near Tishomingo, and we came to Webber's Falls.
Q Removed up to Webbers Falls in the Cherokee Nation? A Yes sir.
Q Do you know when General Stand Watie moved in the Cherokee Nation? A As near as I can remember he moved the following fall after we did.
Q And you came in January of '67? A Yes sir. We got at Webbers Falls in March, but we started in '67, started from down there in January '67.
Q And you arrived at Webbers Falls the following March? A The second day of March when we arrived at the falls.
Q Did you leave him down there? A Yes sir, who wrote us to know whether it would be peaceable for him to come here, that he was a little afraid to move until he knew it would be peaceable.
Q Was his wife down there with him? A Yes sir.
Q Was living down there at the time? A Yes sir. Was living down there somewhere.
Q How do you remember it was '67? A Because we stayed down there in '66 and made a crop after peace was made. '65 did'nt have any thing to move with until we made a crop.
Q What time was peace declared in '66? A It was January and April sometime with us down there.
Q And you made a crop there and then came up here? A We made a crop in '66.
Q You made two crops after peace was declared? A No sir, did'nt make but one down there we did'nt; it was too late when peace was made, and Mr. Howland was appointed with Major Vore and Judge Scales to make a treaty with these wild tribes that was away down there and when he got back why we had to buy some of our supplies. Well he said we could'nt move until we made a crop in '66 down there, and we made a crop after we moved here in '67; we had to get shut of all of our crop in '66 down there before we could move here.

COMMISSION: This testimony will be filed with and made a

part of the record in the following Choctaw Cases D-[illegible], D-[illegible], and in the case at bar.

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Arthur S. Greninger, 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. Greninger.

Subscribed and sworn to before me this 7th day of May, 1902.

Philip G. Bender,
Notary Public.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, being duly sworn, state that the above and foregoing is a true and complete copy of the original transcript.

Lella Midkiff

Subscribed and sworn to before me this 15th day of May, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9th, 1902.

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In the matter of the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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Supplemental to D-504.

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Cherokee Nation appears by J. C. Starr.

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JAMES DUNCAN, being duly sworn, testified as follows:--
Examination by the Commission.

Q. Your name is James Duncan? A. Yes, sir.
Q. How old are you? A. I will be 62 years old the sixth day of next April is I live to see the day.
Q. What is your post office? A. Afton.
Q. You are a white man? A. Yes, sir.
Q. Claiming as an intermarried citizen, are you? A. Yes, sir.
Q. What is the name of the wife through whom you claim citizenship?
A. Sarah Miller.
Q. Is she living? A. She is living.
Q. Is she your first wife? A. No, sir.
Q. How often were you married before you married Sarah? A. Just once.
Q. Was your former wife dead when you married her? A. Yes, sir.
Q. Was Sarah ever married before? A. Yes, sir.
Q. How often? A. Once.
Q. Was her first husband dead when she married you? A. No, sir; they parted.
Q. Were they divorced? A. Yes, sir.
Q. Where were they divorced? A. Delware district.
Q. When was that? A. In '83.
Q. When did you marry her? A. '84, sixth day of November.
Q. What is the name of her first husband? A. Copeland.
Q. What is his first name? A. Mr Alex.
Q. Was he a white man or Cherokee? A. He was a Cherokee.
Q. What was your first wife? A. She was a Cherokee.
Q. Did you marry your first wife under a Cherokee license?
A. Yes, sir.
Q. Then you are claiming through your first wife, are you?
A. I have always been recognized as a citizen.
Q. You didn't marry your second wife under a Cherokee license?
A. No, sir.
Q. You were a citizen at that time? A. Yes, sir.
Q. When did you marry your first wife? A. '68.
Q. What was your first wife's name? A. Tempy Ann Schrimpsher.
Q. How long did you live with her? A. I lived with her until about '71 and she quit me.
Q. She quit you in '71? A. Yes, sir.
Q. You lived with her continuously up to '71? A. Yes, sir.
Q. You say she quit you in '71. A. Yes, sir.
Q. What was the cause of the separation? A. She took another man.
Q. Did she marry that other man? A. No, sir; she left him and married another man by the name of Sutherland and quit Sutherland and married another man.
Q. You never lived with her after '71? A. No, sir.
Q. When did she die? A. Died in '81, I think. My daughter, she told me she died in '81. She was up there.

Q. Did you ever try to get your wife to come back with you?
A. Not after she took that man.
Q. Your present wife is living? A. Yes, sir.
Q. Have you been living with her ever since you married her?
A. Yes, sir.
Q. Have you been residing in the Cherokee Nation ever since you married your first wife? A. Yes, sir.
Q. Never lived outside of the Cherokee Nation since that time?
A. I never liged out.
Q. You have been out? A. Yes, sr; I was out last fall about two weeks.
Q. But you have never been out to live? A. I have never been out to live.

Examination by Mr. Starr.

Q. Was Tempy Ann Schrimpsher ever married before you married her?
A. No, sir.
Q. She is your first wife? A. Yes, sir.
Q. Where did you and she live during the time you lived together?
A. Right on the place we are living now.
Q. Where is that? A. Six miles east of Afton.
Q. Who was living near you? A. A good many people lived around there. Bill Trott. Oce Trott.
Q. Bill Trott of Vinita? A. Yes, sir.
Q. Can you name anybody that lived near you at that time?
A. There wasn't very many lived in that country then; '68 and to '71.
Q. Oce Trott and Bill Trott, did they live near you?
A. Lived about a mile from me.
Q. Who is the man you say your wife run away with? A. Mansil.
Q. What was his first name? A. Bob.
Q. Where did she go with him? A. He took her and had her a while and run off.
Q. Where did he take her to? A. Around the neighborhood.
Q. Where to. A. I didn't follow up to see. I went off to Fort Smith and hired a woman to stay with her. She told me.
Q. How long did you stay there? A. I was there about a month.
Q. When you came back your wife was gone? A. She was there living with this fellow right there in my house. That woman told me. You will find her daughter on the eighty roll, Bell Mansil. Then she took another man by the name of Parks and they had some children.
Q. When you come back you found this woman living with another man? A. Yes, sir.
Q. Did you see him? A. Yes, sir. I saw him there.
Q. How long did he stay there after you get back? A. He didn't stay at all. They left and went up to her uncles.
Q. What was her uncles name? A. John Ward.
Q. How far did he live from there? A. About three miles.
Q. Where is he? A. He is dead.
Q. You never made any effort to get her to come back? A. Never made any effort after she went with that other man.
Q. Why are you not on the eighty roll? A. Simply because I got into trouble with them Barkers. They robbed me of four head of stock. They sent me to the house of correction at Detroit, Mich.
Q. When did you get into this trouble? A. '78.
Q. When did your wife leave you? A. '71.
Q. Did you have any trouble before you left for Fort Smith?
A. No, sir.
Q. What was the name of this man she run away with?
A. Bob Mansil.
Q. How long did he live with her? A. Didn't stay only a month or so.

Q. Then where did she go? A. Married this man Sutherland.
Q. What Sutherland? A. George.
Q. Where did she go? A. Up in Delaware, until they parted. She quit him and married a man by the name of George Parks.
Q. How long did she live with Sutherland? A. I couldn't tell you exactly.
Q. After she quit living with Sutherland she married?
A. She married Sutherland first, then quit Sutherland and went to this man Parks.
Q. Where did she go then? A. Went back to Sutherland.
Q. How long did she live with Sutherland? A. I couldn't tell you. They live down here about 40 miles before from where I live.
Q. Wherein she living now? A. Living on my old place that I lived on ever since '68.
Q. Did you get a divorce from this first wife? A. No, sir; I didn't. I never tried.

BY THE COMMISSION:
Q. I think I asked you if your present wife is a Cherokee by blood.
A. Yes, sir, she is a Cherokee. Born and raised here. Never was out of the nation.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr.

Subscribed and sworn to before me this 8th day of December, 1902.

B A Jones
Notary Public.

D504

In the matter of the application of Jennie Dunn for enrollment as a citizen of the Cherokee Nation

Brief of Applicant

Wm P. Thompson
Atty.

Before the Commission to the Five Civilized Tribes.

In the matter of the
Application of James
Duncan for Enrollment
as a citizen of the
Cherokee Nation.

Brief of Applicant.

The facts in this case show that applicant was married in 1868 to a Cherokee woman, under the laws of the Cherokee Nation; That they separated in 1871 through no fault of his but that she took up with another man and deserted and abandoned him; that his first wife died in 1881; that he married Sarah Copeland, another Cherokee woman, in 1884, after his wife died; that his first wife's name appears on the Roll of 1880 under the name of Tempy Southerland, the man she took up with after abandoning applicant; that the name of his second wife appears on the roll of 1880 as Sarah Copeland, page 242, No. [illegible], and on the Roll of 1896 as Sarah Duncan, 481, No. 392; that applicant's name appears on the Rolls as James Duncan; that if his name is not on the Roll of 1880 is because of his enforced absence in the penitentiary at Detroit, Mich., growing out of an attempt to arrest some horse thieves without a warrant; that he has always lived in the Cherokee Nation except the five years he was in the Detroit penitentiary, since 1868.

Argument.

I submit that applicant became a citizen of the Cherokee Nation in 1868 by intermarriage with Tempy Sorimpaher, as shown by his license and certificate and that he has not forfieted his citizenship as the proof shows, his first wife

abandoned him for another man and lived in adultery with the other man and bore a child by the other man and assumed his name and that the proof on page 8 of the testimony in this case taken on October 3, 1902 at Vinita shows that the name of applicant appears on 1880 Roll page 569 No. 134 as James Duncan and he is also identified on the Roll of 1896. Whether this is a clerical error or not as to roll of 1880, I do not know, but if it is , he has fully accounted for his enforced absence and made satisfactory proof of why his name is not on said Roll if not there. His first wife's name is on the Roll of 1880 as well as that of his second wife, and both were Cherokee women. His second being to a Cherokee woman after the death of his first wife was a legal marriage and his citizenship continued as acquired by his first marriage under Cherokee Law. His continuance residence here since 1868 in the Cherokee Nation as a citizen, combined with what I have before stated makes it the imperative duty of this Commission to enroll him.

Respectfully submitted.

Wm. H. Thompson

Atty. for Applicant.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 14th, 1902.

In the matter of the application of James Duncan for enrollment as a citizen of the Cherokee Nation by intermarriage. Cherokee D. 504.

Brief on behalf of the Cherokee Nation.

-:-:-:-:00:-:-:-:-

The name of the applicant does not appear upon the roll of 1880, as the judgment of the Commissioner in charge shows. The 1880 enrollment given the applicant in the course of the taking of the testimony is an error, and it refers to the 1896 roll instead of the 1880 enrollment. The Cherokee Nation contends that Section 21 of the Curtis Bill confirms the roll of 1880; that it is made a starting point for the Commission; that it was the intention of Congress that the Commission should ~~have~~ not go behind said roll. In other words, the roll of 1880 was an adjudication of the number and status of the citizens of the Cherokee Nation at that time. By a close reading of ~~the testimony~~ Section 21 of the Curtis Bill You will observe that after confirming the roll of 1880 the Commission is required to enroll all "descendants born since such rolls were made with such intermarried white persons as may be entitled to citizenship under Cherokee laws", which clearly shows that it refers to such intermarried whites who have become citizens by intermarriage subsequent to the authentication of the roll of 1880. The applicant's first wife is dead; and according to his testimony has been dead for more than 20 Years. The Commission is unable, therefore, to secure her testimony as to the cause of the separation between herself and husband. Her story, however, is not spared by the applicant, her former husband. And we contend because of the great lapse of time, because of the difficulty of getting proof, because

of the great number of deaths, that the Congress of the United States thought it advisable that there should be some roll of the Cherokee Nation which should be authenticated and used as a starting point, and behind which the Commission would not be authorized to go. The applicant's name is not upon the roll of 1880, and we contend that his status was adjudicated by the Cherokee National Council when it authenticated that roll, and it was determined by the Council from the testimony then at hand and from such information as the members of that body received, and each District was represented and his former wife was then alive to give testimony, that this man was not a citizen of the Cherokee Nation, and perhaps because of his relationship with his first wife was not entitled to be enrolled as a citizen of this Nation. We submit that his record of five and a half Years in the penitentiary at Detroit should not commend him too highly as a witness to the Commission; neither should his slanderous remarks of his deceased wife, when he never applied for a divorce during her lifetime because of her alleged adulterous conduct, commend him as a witness to the Commission. The testimony of his two witnesses is practically worthless, because neither of them know of their own personal knowledge anything of which they testify. One of them, T. J. McGhee, lived some 15 or 20 miles away, and across and east of Grand river, and hence was not in a position to have any intimate knowledge of the cause of separation between him and his first wife.

The Cherokee Nation insists that the roll of 1880 should not be too lightly swept aside; and that inasmuch as applicant's name is not found upon that roll that it is a judgment of the constituted authorities of the Cherokee Nation; that he at that time was not a citizen of the Cherokee Nation, which the Cherokee National Council had a right to do under the decision of

the Supreme Court of the United States in the case of Roff vs Burney, appealed from the Chickasaw Nation.

Respectfully submitted,

Attorney for the Cherokee Nation.

W H M.

Cherokee D 69.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Duncan for his enrollment as a citizen by intermarriage of the Cherokee Nation.

# D E C I S I O N

The record herein shows that on October 3, 1900, James Duncan appeared before the Commission at Vinita, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 22, and October 9, 1902.

The evidence shows that James Duncan, a white man, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on February 22, 1888, to Tempa Ann Whittinger, a citizen by blood of the Cherokee Nation, who is identified in the marriage license as "Tempar Crimmer". It appears that the applicant and his said wife lived together for about three years following their marriage and that she then left him, and there is no evidence that the said James Duncan abandoned his said wife. James Duncan is not identified on the authenticated tribal roll of 1880, having been in Prison during the preparation of such roll, and his identification on that roll as shown by the record is an error. An examination of the Cherokee tribal rolls in the possession of the Commission shows that the applicant is identified on the Cherokee Census roll of 1896 at page 302, #1124.

Section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 188 of the compiled laws of the Cherokee Nation (1892), provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It appears that James Duncan acquired the rights of Cherokee citizenship by virtue of his marriage to his first wife in 1868, and that subsequent to her death, which occurred in 1881, he married his present wife, Sarah, a citizen by blood of the Cherokee Nation.

The evidence further shows that the said James Duncan has resided in the Cherokee Nation since the date of his marriage to his first wife.

It is, therefore, the opinion of this Commission that James Duncan should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this JAN 30 1903

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 6th.,1903.

---

IN THE MATTER OF THE APPLICATION OF JAMES DUNCAN FOR ENROLLMENT AS A CITIZEN BY INTER-MARRIAGE OF THE CHEROKEE NATION.

---

D--504

---

PROTEST OF THE CHEROKEE NATION.

---

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in the above case on January 30th.,1903, and asks that the same, together with the record and a copy of the brief heretofore filed by the Cherokee Nation, be forwarded to the Honorable Secretary of the Interior for review.

Our objections to the enrollment of the applicant are fully stated in said brief, and we submit the same upon the arguments contained therein.

Respectfully submitted,

C. C. Lostings

Attorney for the Cherokee Nation

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-504

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enc. E-174

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-504

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 30, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 7, 1903.

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

Respectfully,

Chairman.

-9Copy--

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON

LAND
13780-1903.

February 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commission to the Five Civilized Tribes, dated February 24, 1903, relative to the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 30, 1903, granting the application. A copy of the protest of the Cherokee Nation against the action of the Commission in this case is enclosed.

The applicant herein claims the right to enrollment by reason of his marriage, in accordance with the laws of the Cherokee Nation, on February 29, 1868, to Tempa Ann Schrimpser, a citizen by blood of the Cherokee Nation, who is identified in the marriage license, enclosed with the record, as "Temper Crimser".

The record shows that the applicant and his wife lived together for about three years following their marriage and that she then left him, and there is no evidence adduced to show that the applicant abandoned his wife.

The Commission finds that James Duncan is not identified on the authenticated tribal roll of 1880, having been in prison during

the preparation of such roll, and his identification on that roll as shown by the record is an error, and that an examination of the Cherokee tribal rolls in the possession of the Commission shows that the applicant is identified on the Cherokee census roll of 1896, opposite No. 134.

Subsequent to the death of James Duncan's first wife, which occurred in 1881, he married his present wife, Sarah, a citizen by blood of the Cherokee Nation. It is also shown that the applicant has resided in the Cherokee Nation since the date of his marriage to his first wife.

Having married a citizen by blood of the Cherokee Nation prior to November 1, 1875, in accordance with Cherokee laws, the applicant, under the ruling of the United States Court in the case of Daniel Red Bird, et al vs. The United States, is entitled to enrollment as a Cherokee citizen by intermarriage , and it is recommended that the decision of the Commission to that effect be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

D.C 8844-1906. (COPY)

DEPARTMENT OF THE INTERIOR, J.W.G.
WASHINGTON. J.C.H.

DIRECT
I.T.D.2392-1907.

February 12, 1907.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Sir:

February 24, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of James Duncan for enrolment as a citizen by intermarriage of the Cherokee Nation, together with its decision.

Reporting February 2, 1907 (Land 13780-1903), the Indian Office recommends that the decision of the Commission be approved. Copy of its letter is inclosed.

The Department concurs in said recommendation and the decision enrolling the applicant is hereby affirmed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

3 inc. & carbon copy to Ind. O.

~~A PMc~~
~~2-13-07.~~

REFER IN REPLY TO THE FOLLOWING:
Cherokee
10986.

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

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application for the enrollment of James Duncan as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior, February 12, 1907.

For your information a copy of the Departmental decision referred to is enclosed herewith.

Respectfully,

Commissioner.

Encl.HJ-90.
HJC

IN THE MATTER OF THE APPLICATION OF

James Duncan

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A Original testimony of 10/3/00.
B. Memo. of application of 10/3/00
C Supplementary testimony of 10/3/00
D Marriage license and certificate.
E Notice of final consideration 2/28/02

GRANTED
APPROVED BY
DEPT. OF INTERIOR.
FEB 12 1902

F Rebuttal testimony
G Supplemental testimony and order closing testimony, Feb. 28, 1902
H Brief of attorney

Enrolled

Cher D 505

DOUBTFUL as to husband, Robert Allen Abney.

Department of the Interior,
Commission to the Five Civilized Tribes
Vinita, I.T., October 2, 1900.

In the matter of the application of Birdie A. Abney for the enrollment of herself, husband and two children as Cherokee citizens being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give me your name? A Birdie A. Abney.
Q How old are you? A 30
Q What is your post-office? A Afton.
Q In what district do you live? A Delaware.
Q Who is it now you want to have put on the roll? A Myself, husband and two children.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your husband a white man or a Cherokee? A White man.
Q How long have you lived in the Cherokee Nation? A I have never lived anywhere else.
Q All your life? A Yes sir.
Q Give me the name of your father? A J.C. Trott.
Q Dead or alive? A Alive.
Q Your mother's name? A Dora Trott.
Q Is she dead or alive? A Alive.
Q [illegible] your husband's marriage license and certificate? (Applicant produces papers)
Q Have you got the license and certificate? A No sir, We couldn't get them, the license has never been recorded and there is no record of it.
Q When were you married? A September 26th 1895.
Q Married to your present husband? A Yes sir.
Q Were you ever married before? A No sir.
Q You were married in Texas? A No sir
We were married between Pryor Creek and Vinita.
Q Give me your husband's full name? A Robert Allen Abney.
Q How old is he? A 33
Q Did he procure a Cherokee license when he married you? A Yes sir, he did.
Q Have you lost that? A I don't know what became of it; when we were married we gave them to the preacher, and he was to bring them here and have them recorded; he didn't come back to Vinita, and somehow we never got the certificate, and when we looked the matter up there was no record of it. We had the record searched and we didn't find them on record.
Q Did he get a license to be married before he married you? A Yes sir.
Q Has he lived with you ever since you were married to him in 1895? A Yes sir.
Q Have you anyone here who was present at your wedding? A No sir.
COM'R: The applicant presents sworn statement here from Rev. Benjamin H. Greathouse, to the effect that he married her and her husband as she states on the 26th of September 1895; this is filed herewith.
Q Give me the names of your children, please? A William Frederick, 3 years old; Jessie C., a girl, 1 year old.
1880 roll page 430 #2755 as Ada Trott, Delaware Dist, native Cherokee
1896 roll page 430 #14 Birdie Addie Abney Delaware District.
1896 roll page 364 35 Robert Allen Abney Delaware District.

COM'R Breckinridge: The applicant applies for the enrollment of herself husband and two children; she is identified on the rolls of 1880 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life and she will be listed now for enrollment as a Cherokee by blood; when she presents certificates of birth of her two children, they also will be listed for enrollment as Cherokees by blood; she states that her husband was married to her in Septem-

[illegible] Minnie A. [illegible] of age [illegible]

[illegible] tember 1898, was she is [illegible] at this time the marriage license and certificate [illegible] evidence thereof; he is identified with her on [illegible] she states that they have lived together in the [illegible] since their marriage; the application [illegible] will at this time be placed among a doubtful [illegible] for the further evidence of this having been married to her about time stated in accordance with Cherokee law.

J.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.

Subscribed and sworn to before me this [illegible] th day of October 19[illegible].

Commissioner.

A 505

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 2[illegible] 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 26th 1901.

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

D- 505.

*****************

In the matter of the application of Robert A. Abney, for enrollment of himself and family as Cherokee citizens. JOHN T. GUNTER, being duly sworn before the Commission, testified as follows:

Q What is your name? A. John T. Gunter.
Q What is your post office address? A. Vinita.
Q What is your age? A. 45.
Q You are a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Are you acquainted with Robert A. Abney? A. Yes sir.
Q Are you acquainted with his wife, Birtie A.? A. Yes sir.
Q She is a Cherokee by blood is she? A. Yes sir, her name was Trott before he married her.
Q Do you know when they were married? A. Well sir on the 25th of September, 1895 I circulated a petition and got signers for it according to the laws of the Cherokee Nation which required a certain number of signers, and I also signed it myself. You know that according to the Cherokee law a non-citizen who desired to marry a citizen had to have a petition circulated and get a certain number of signers among the native Cherokees in order to get a license. Well I got up that petition for him and afterwards went with him to John E. Duncan, Clerk of Delaware district and he got the marriage license from him. The next day, September 26th, I received a telegram from him asking me to have Parson Greathouse come to Pryor Creek and marry him.
Q Do you know of your own knowledge that he was married? A. I dont know that they were married any more than that I got the telegram from him asking me to have the preacher go to Pryor Creek and marry him, and afterwards he told me they were married and his wife also told me so.
Q You saw the license though? A. Yes sir.
Q It was a Cherokee license? A. Yes sir, it was issued by John E. Duncan, clerk of Delaware district.

* * * * * * * * * * * * * * * * * * * * * *

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

Subscribed and sworn to before me this the 26th of January, 1901.

Commissioner.

MAR 5 1962

CHAIRMAN

D. 808.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of Robert A. Abney for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 18, 1902, that his application for enrollmentas a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee onthe 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit the 28th day of February, 1902, appears in person.

ROBERT A. ABNEY, the applicant, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Robert A. Abney.
Q How old are you? A 34.
Q Where do you live? A Afton, Indian Territory.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q Is there any further statement you desire to make relative to your application? A I don't know whether my testimony would be worth anything or not, I don't know whether, they have ever done that or not, that is all.
MR. HASTINGS: No, you have never been before the Commission; go ahead and tell what you know about it if you want to make a statement, at least my copy don't show it.
A Well, on September 25, 1895, I secured a Cherokee license to be married, and on the following day, September 26th, or night it was, about eleven thirty o'clock, I was married by Reverend Greathouse, of Vinita at that time.
Q What is your wife's maiden name? A Birdie.
Q Trott? A Trott, yes, sir.
Q Did you get a Cherokee license? A Yes, sir.
Q Who did you get it from? A John Duncan, J. E. I believe.
Q What position did he occupy at that time? A He was clerk of the Delaware District.
COMMISSION: Were you ever married before you married your wife?
A No, sir.
Q Was she ever married before? A No, sir, not that I know of.
Q You are living together at the present time? A Yes, sir.
Q You have lived together continuously since your marriage?
A Yes, sir.
Q Have you always resided in the Cherokee Nation since your marriage?
A Yes, sir.
Q What became of your original license and certificate? A Why we turned them to Greathouse and we never got a copy nor nothing of them. We had the records searched and there is no record of them.
Q Did you procure the requisite number of signers? A Yes, sir.
Q What are the names of some of the men who signed your petition?
A Well, J. T. Gunter, of Vinita, circulated the petition, and also signed the petition, got the required number of signers, and went with me and saw me get the license, and the following day after I got the license, the 26th of September, 1895, in answer to a telegram from me Mr. Gunter sent Rev. Greathouse, of Vinita, I forget his initials, to join us at Pryor Creek, we were coming up on the M. K. & T. train, and married us, and he joined us there and united us in marriage be-

tween there, Pryor Creek, and Vinita.
Q Any further statement you desire to make? A No, sir, I don't know of anything else.
Q You submit the case to the Commission for final consideration?
A Yes, sir.

The applicant and the representative of the Cherokee Nation present submit the case to the Commission. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

—:|:—:|:—:|:—:|:—

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 28th day of February, 1908.

Commissioner.

Cherokee-D- 808

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

2963

In the matter of the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation.

# D E C I S I O N.

The record in this case shows that on October 3, 1900, Birdie A. Abney appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of her husband, Robert A. Abney, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 26, 1901 and on February 28, 1902. The other parties to this application are differently classified, and are not embraced in this decision.

The evidence shows that Robert A. Abney was lawfully married to his wife, Birdie A., a Cherokee by blood on September 26, 1895, under authority of a Cherokee marriage license. The said Robert A. Abney is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Robert A. Abney has lived with his wife in the Cherokee Nation since his marriage to her, and that he was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission, that Robert A. Abney should be enrolled as a citizen by intermarriage of the Cherokee nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this AUG 18 1902

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

---

In the matter of the application of Robert A. Abney for the enrollmentof himself as a citizen by intermarriage of the Cherokee Nation.

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Supplemental to D-505.

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Appearances:
James S. Davenport for Applicant.
J. C. Starr, for Cherokee Nation.

---

JAMES S. DAVENPORT, being duly sworn, testified as follows:
Examinatin by the Commission.

Q. Name, age and post office? A. James S. Davenport, 38, Vinita, I. T.
Q. Are you a citisen of the Cherokee Nation? A. Yes, sir.
Q. Are you acquainted with the applicant in this case, Robert A. Abney? A. Yes, sir.
Q. How long have you known him? A. I have known Mr. Abney since 1894, I think when I first knew him.
Q. Do you know his wife? A. I think I knew his wife before they were married. I am not positive.
Q. Have they lived together since you knew them? A. They have been living together since they were married. They live within 12 miles of me. I have seen them on the average of once a month any way.
Q. They have never been separated? A. No, sir.
Q. Living together as husband and wife on the first of September, 1902? A. Yes, sir; and living that way now.

---

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

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

B. A. Jones
Notary Public.

Cher
Supp'l to D 505

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of ROBERT A. ABNEY, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

ROBERT A. ABNEY, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert A. Abney.
Q How old are you ? A Thirty five.
Q What is your post office ? A Afton.
Q Are you a white man ? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage ? A Yes sir.
Q What is the name of your wife ? A Birdie Trott.
Q When were you married to her ? A September 26, 1895.
Q Is your wife a Cherokee by blood ? A Yes sir.
Q How long has she been living in the Cherokee Nation ?
A All her life.
Q Is she your first wife ? A Yes sir.
Q And are you her first husband ? A Yes sir.
Q Have you and your wife been living together from the time you were married up to the present time ? A Yes sir.
Q Never been separated ? A No sir.
Q Where have you and your wife been living since your marriage ?
A At Afton.
Q In the Cherokee Nation ? A Yes sir.
Q Has the Cherokee Nation been your home continuously since your marriage ? A Yes sir.
Q Never lived anywhere else ? A No sir.
Q How many children have you ? A Two living; the oldest one is dead.
Q When did the oldest one die ? Has it ever been enrolled by this Commission ? A No sir.
Q Never has ? A No sir. I disremember the date of its death.
Q You say you have two living ? A Yes sir.
Q Those two were enrolled by this Commission two years ago ?
A Yes sir.

---

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

E. C. Bagwell

Subscribed and sworn to before me this December 10, 1902.

G. M. Jones
Notary Public.

T.W.L. Cherokee No.R-505

COPY.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, October 3, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 26,1901, February 28, 1902, September 29,1902 and October 24, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Robert A. Abney, is a white man and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage to Birdie A. Abney, nee Trott, a recognised and enrolled citizen by blood of the Cherokee Nation, her name being found opposite No. 9867 on the approved partial roll of citizens by blood of the Cherokee Nation, in the Cherokee Nation, on September 26, 1895. Said applicant did not therefore, marry a citizen by blood of the Cherokee Nation prior to November 1,1895.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5,1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Robert A. Abney, is not entitled under the provisions of section 21 of the Act of Congress approved June 28,1898(30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

SIGN Tams Bixby
Commissioner

Dated at Muskogee, Indian Territory

this _____ _____ _____ _____

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 505.

Muskogee, Indian Territory, August 18, 1902.

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

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Robert A. Abney for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

Very respectfully,

Acting Chairman.

Enc. C. No. 1.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 505

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

Muskogee, Indian Territory, February 19, 1907.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, denying the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Commissioner.

Encl.A-82
RA

(Copy)

Land.
18383-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

February 28, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 19, 1907, enclosing the record of proceedings in the matter of the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commissioner, dated February 19, 1907, denying the application.

The record shows that Robert A. Abney is a white man, and possesses no right to enrollment as a citizen of the Cherokee Nation other than such as he may have acquired by virtue of his marriage to Birdie A. Trott, a recognized and enrolled citizen by blood of the Cherokee Nation, on September 26, 1905.

The applicant did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875, and the decision of the Commissioner is in accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, and it is recommended that his decision, denying the application for enrollment, be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

FWR-SD

D.C.12837 (COPY) J. P.

DEPARTMENT OF THE INTERIOR,

VRS WASHINGTON. O.K.

I. T. D. March 2, 1907.

5846,5982,5984,5986,
5992,6004,6006,6010,
6014,6016,6018,6024,
6028,6030 6032,6034,
6072,6098,6104-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letter s submitting your reports and recommending that the decisions be affirmed are enclosed:

| Title of Case. | Date of Your Letter of Transmittal. |
|---|---|
| Elizabeth Davis, | February 14, 1907. |
| James C. Williamson, | February 19, 1907. |
| Ruth A. Davis, | February 19, 1907. |
| Bidipher Nicholson, | February 19, 1907. |
| Robert A. Abney, | February 19, 1907. |
| Wakepeace Miller, | February 19, 1907. |
| Margaret J. Emerson, | February 19, 1907. |
| Sarah F. Miller, | February 14, 1907. |
| William Clifford Dawson, | February 21, 1907. |
| Lorene and Preston Davis Smith, | February 23, 1907. |
| Rosa Haynes (Freedman), | February 17, 1907. |
| Willie Fletcher Hurst, | February 23, 1907. |
| John W. Chandler, | February 21, 1907. |
| Laura Coats, | February 15, 1907. |
| Charlotte E. Bonds, | February 18, 1907. |
| Thomas Jacob et al., | February 21, 1907. |
| Elizabeth and Charles Colbert (Freedmen) | February 17, 1907. |
| Frank E. Brandon, | February 18, 1907. |
| Rexie Will (Freedman), | February 18, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 ins. and 38 ins.
to Ind. Of.

A F Ms.

3-2-07

REFER IN REPLY TO THE FOLLOWING:
Cherokee D 505

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

Muskogee, Indian Territory, March 11, 1907.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 2, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-86
JMH

IN THE MATTER OF THE APPLICATION OF

Robert A. Abney

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/3/00.
B Memo. of application of 10/3/00.
C. Supplementary testimony of 1/26/0
D. Certificate relative to marriage
E. Certificate relative to marriage
F. Affidavit relative to marriage
G. Affidavit relative to marriage.
Notice of final Consideration, 2/28/02

Supplemental testimony and order Closing Testimony, Feb. 28, 1902

OCT 16 1907

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Lizzie W. Barker, husband and children for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Lizzie W. Barker.
Q How old are you? A Thirty eight.
Q What is your Postoffice? A Kinnison.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll; yourself?
A Myself, and children and husband.
Q How many children? A Nine.
Q Are you a Cherokee by blood? A No sir.
Q What are you? A Delaware.
Q What is your husband; white man? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since the Delawares came to this country.
Q Was that in 1871? A Yes sir.
Q What is your father's name? A James Wolfe.
Q Is he dead or living? A Dead.
Q Give me the name of your mother please? A Rachel Wolfe.
Q Is she dead or living? A She is living.
Q When were you married? A 1879.
Q You are on the roll of 1880 then as a Barker? A Yes sir.
Q Never married but once? A That is all.
Q Give me your husband's name? A John C. Barker.
Q How old is he? A Forty two.
Q He was married to you in 1879? A Yes sir.
Q Have you and he lived together ever since your marriage?
A yes sir.
Q Now give me the names of the children please? A George Howard
Q How old is that child? A Nineteen.
Q Now the next child? A Henry James.
Q How old is he? A Seventeen?
Q The next child? A Fred Andrew.
Q How old is that child? A Fifteen.
Q The next child please? A Effie.
Q How old is she? A Thirteen.
Q The next child? A Elmer.
Q How old is that child? A Ten.
Q The next child? A Arthur.
Q How old is he? A Eight.
Q The next child? A Curtis.
Q How old is that child? A Seven.
Q The next child? A Herbert.
Q How old is that child? A Five.
Q The next child? A Ona Ray.
Q How old is that child? A Eight months old.
Q All living now, are they? A yes sir.
(1880 Roll, Page 65, #146, Lizzie Barker, Cooweescoowee D'st)
Q Have you a certificate of your marriage? A Yes sir.
(1896 Roll, Page 362, #138, Lizzie W. Barker, Cooweescoowee D'strict)
(1896 Roll, Page 297, #160, John C. Barker, Cooweescoowee D'st)
(1896 Roll, Page 362, #139, George Barker, Cooweescoowee D'st)
(1896 Roll, Page 362, #140, Henry Barker, Cooweescoowee D'st)
(1896 Roll, Page 362, #141, Fred Barker, Cooweescoowee D'st)
(1896 Roll, Page 362, #142, Effie Barker, Cooweescoowee D'st)
(1896 Roll, Page 362, #143, Elmer Barker, Cooweescoowee D'st)
(1896 Roll, Page 362, #144, Arthur Barker, Cooweescoowee D'st)
(1896 Roll, Page 362, #145, Curtis Barker, Cooweescoowee D'st)
(1896 Roll, Page 362, #246, Herbie Barker, Cooweescoowee D'st)

John C. Barker, being called, sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your name? A John C. Barker.
Q How old are you? A Forty two.
Q What is your Postoffice? A Kimmison.
Q Are you the husband of this lady here? A Yes sir.
Q You were married to her in 1879? A Yes sir; the first time.
Q Were you married to her the second time? A I do not know.
Q Is this certificate of the second marriage? A Yes sir.

The applicant presents a certificate of marriage, showing that he and his wife , her name being given therein as Lyda Wolf were married July 28th, 1891, by the Clerk of Geowesecowee District.

Q This is your second marriage to the same woman? A Yes sir.
Q Where is the Cherokee license under which you were married?
A In the Clerk's office I think.
Q Since you are not on the roll of 1880, you must have a license, and I will have to put you on a Doubtful Card.

Applicant recalled:

The applicant applies for the enrollment as herself, her husband and nine children: She is identified on the rolls 1880 and 1896, as an adopted Delaware: She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as an adopted Delaware.

Of her nine children, the first eight named in the testimony are identified with her on the roll of 1896: They are all minors and are all living now, and they will be listed for enrollment as Cherokee Delawares. And when she supplies the Commission a certificate of the birth of her youngest child, Ona Ray Barker, this child also will be listed for enrollment as a Cherokee Delaware.

Her husband appears in the application, and he is identified with his wife on the roll of 1896. They state that they were first married in 1879: He is not identified on the roll of 1880, but it does not appear to be through any fault of his own. He presents a certificate of marriage, in accordance with Cherokee law, it being he states of a second marriage to the same wife in 1891, and it is filed herewith. When he presents the Commission with his marriage license, showing that he has conformed to the Cherokee requirement, as relates to his right to enrollment, he will then be listed for enrollment as a Cherokee by adoption. For the present, he will be placed on a Doubtful Card, to await that evidence.

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

A C Chauncey

Subscribed and sworn to before
me this 8th day of October, 1906.

COMMISSIONER.

CHEROKEE D 506

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John C. Barker, for enrollment as a Cherokee citizen.

On the third day of October, 1900, Lizzie W. Barker appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her children, as citizens by blood of the Cherokee Nation, and for her husband, John C. Barker, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time Lizzie W. Barker and her children were listed for enrollment on a regular card and the name of John C. Barker was placed upon a "Doubtful" card awaiting proof of marriage between himself and his wife, Lizzie.

Further evidence in that matter has been submitted to the Commission and the following decision is rendered.

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D E C I S I O N.

--oOo--

From all the evidence of record in the case it appears that John C. Barker is a white man; that he was married by authority of a Cherokee marriage license on the 25th day of July, 1891 to Lizzie Wolf, a citizen by blood of the Cherokee Nation. The evidence shows that he was formerly married to the same wife in 1 879, but apparently not under Cherokee laws. His wife is identified on the authenticated tribal roll of 1880 as Lizzie Barker. John C. Barker is identified on the Cherokee Census roll of 1896, and has lived with this wife in the Cherokee Nation ever since 1879.

This Commission is directed in paragraph 1, section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enroll; "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

[illegible] 3 [illegible]

[illegible]

In view of the [illegible] and the act of [illegible] approved June 2, [illegible] is entitled to be [illegible] citizen by intermarriage of the Choctaw Nation, and his application is denied.

[illegible]

[illegible]

[illegible]

Commissioner.

Dated at Muskogee, Indian Territory,

JUN 9 - 1902

Copy to [illegible]

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

REFER IN REPLY TO THE FOLLOWING

Char. D-806.

Muskogee, Indian Territory, June 9, 1903.

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

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1903, in the matter of the application of John C. Barker for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,

Tams Bixby
Acting Chairman.

Encl. D-806.

IN THE MATTER OF THE APPLICATION OF

John T. Barber

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A Original testimony of 10/3/00.
B Memo. of application of 10/3/00.
C Certified copy of marriage record.

Sept 15, 1902. Carried and transferred [illegible] 95

See file marked 63 Cherokee

Cher D 507

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Joseph Parks for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Joseph Parks.
Q What is your age? A Forty three.
Q What is your P.O. address? A Fairland.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself.
Q Is that all? A Yes sir.
Q Are you a Cherokee by blood? A Shawnee.
Q How long have you lived in the Cherokee Nation?
A Ever since the Shawnees first came here.
Q In 1871? A Yes sir.
Q What is your father's name? A John Parks.
Q Dead or living? A Dead.
Q What is your mothers name? A Elizabeth.
Q Is she living? A Yes sir.
(1896 Roll, Page 611, #606, Joseph Parks, Delaware District)
(Applicant here states that he was in Kansas City in 1880)
Q What were you doing in Kansas City? A I was on a spree sir.
Q How long did that spree last? A Four or five months; as long as my money held out.
Q Did you go up there to go into business? A No sir.
Q Just goes there to get on a spree? A Yes sir.
Q I that the only absence you have ever had from the Cherokee Nation? A Yes sir.

By Mr. Joel L. Haugh, Cherokee Representative:
Q How long did you live here after you came here in 1871?
A I lived here right up to the 1880 Roll; then I went up there and stayed on a spree a while.
Q How long did you stay in Kansas City? A Four or five months.
Q When did you come back? A I do not recollect hardly.
Q In the Spring of 1880? A No sir; it was not 1880; I have forgotten; I can not tell you exactly.
Q You ought to know some time when you came back? A I came back.
Q Did you stay there four or five months years? A No sir.
Q Did you come back in 1880? A I think not.
Q Did you come back in 1881? A Yes sir; I did; I was not gone that long.
Q What did you have here in this Country; anything? A Couple of saddle horses and a claim.
Q What did the claim consist of? A Thirty acres of broke ground and a fence.
Q After you came back, did you go and live on it? A Yes sir.
Q Have you been living on it ever since? A No sir; I sold it.

By the Commission:
Q How you been living here ever since? A Yes sir.
Q You did not go into business in Kansas City? A No sir.
The applicant is identified on the roll of 1896, as an adopted Shawnee; he states that he came to the Cherokee Nation with the Shawnees in 1871, and has been here ever since, except five or six months that he spent in Kansas City in 1880 on a spree. He is not identified on the roll of 1880; for the further consideration of his case, his application will at present be placed on a doubtful card, and final decision, when rendered, will be communicated to him at his P.O. address.

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The undersigned, being sworn, states that as stenographer to the

[illegible]

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D-507

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

In the matter of the application of Joseph Parks for enrollment as a Cherokee citizen.

Supplementary testimony.

G. F. Williams, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A G. F. Williams.
Q What is your age? A 43.
Q What is your postoffice address? A Miami.
Q What do you want to state in regard to this matter? A I want to state that this man is just about a month older than I am,- Joseph Parks, and he came to this country with my father and myself in 1869. If he has ever been out of this country as much as six months I never knew it. This has been his home since 1869. He lived with his sister Mrs. Cooley near Fairland.
Q What is he a Shawnee Indian? A Yes sir.
Q How much Indian blood has he got? A I don't know; not over 1/4.
Q You know why his name is not on the 1880 roll? A No sir, I do not. His mother lives at Kansas City, but his home has never been there from 1869. He came with my father and myself down here. He made his home with us and his sister in the territory ever since. That has never been his home since that time.

---

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

E. C. Rothenberger

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

Commissioner.

"R"

D 807

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.

In the matter of the application of Joseph Parks for the enrollment of himself as a citizen of the Cherokee Nation:

The applicant and his attorneys were notified by registered letter February 14, 1902, that the application of Joseph Parks for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st day of March, 1902, appears by his attorneys Mellette & Smith.

The attorneys for the applicant and the representative of the Cherokee Nation present submit the case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

The attorneys for applicants request and will be granted fifteen days in which to file a brief in this case, one copy to be filed with the Commission, and one copy with the representatives of the Cherokee Nation.

Commissioner.

Cherokee D-507.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph Parks for enrollment as a citizen of the Cherokee Nation of Shawnee blood.

D E C I S I O N .

The record in this case shows that on October 3, 1900, Joseph Parks appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a citizen of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on November 28, 1900, and at Muskogee, Indian Territory, on March 1, 1902.

The evidence shows that the applicant is of Shawnee blood. He is identified on the 1871 Register of Shawnee Indians who removed to the Cherokee Nation within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation, on June 7, 1869, and approved by the President of the United States on June 9, 1869. Said agreement contains a provision -

"that the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation".

The applicant is not identified on the 1880 authenticated roll; but from an examination of the records of the Cherokee Nation in possession of the Commission, it appears that he is identified on the following tribal rolls of said Nation, viz: The 1890 Census Roll, Delaware District, #2784; and the pay roll of Cherokee Shawnee citizens of the Cherokee Nation, as disbursed by D. W. Lipe, Treasurer of said Nation, authorized by an Act of the National Council, approved March 30, 1896 (No.588). The evidence further shows that the applicant is identified on the 1896 Census Roll of the Cherokee Nation as an adopted Shawnee; and that he has been a resident of the Cherokee Nation continuously from the year 1869 up to and including the date of the application herein, with the exception of a few months in 1880 when he was temporarily absent.

It is therefore the opinion of this Commission that Joseph Parks should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, 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.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 507.

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Joseph Parks for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 51.

Decision

IN THE MATTER OF THE APPLICATION OF

Joseph Parks

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/3/00.
C Memo. of application of 10/3/00.
B Supplementary testimony of 11/28/00.
L Notice of final consideration 8/1/02

Approved
Chickasaw

Cher D 508

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Tandie A. Jackson and wife for enrollment as citizens of the Cherokee nation, and he being sworn and examined by Commissioner, C. R. Breedlove, testified as follows: (Also applies for two children)

Q What is your full name? A Tandie A. Jackson.
Q What is your age? A Twenty six.
Q What is your Postoffice? A Afton.
Q In what district do you live? A Delaware.
Q What is it you want to have put on the roll? A Myself.
Q Any one else? A My wife.
Q Any children? A Two.
Q That is all? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a Cherokee by blood.
Q How long have you lived in the Cherokee Nation?
A Fifteen years.
Q Were you admitted by the Cherokee Commission? A Yes sir.
Q You claim to have been admitted in 1894, do you? A Yes sir.
Q Were you admitted or only your mother admitted? A My mother.
Q And you claim to come in as a minor at that time? A Yes sir.
Q Give me your wife's name? A Pet Jackson.
Q That is her real name, is it? A Yes sir.
Q Not simply a nick name, is it? A No sir; her name on the roll may be Baby.
Q How old is she now? A She is twenty four.
Q Was she born in the Cherokee nation? A Yes sir.
Q Has she lived here all her life? A Yes sir.
Q What is the name of her father? A Benjamin G. England.
Q Is he dead or living? A He is living.
Q The name of her mother? A Jenny G. England.
Q Is she dead or living? A She is living.
Q When were you married to your wife? No response - hands paper to Commissioner.

The applicant presents a certificate, showing that he was married to his wife on July 8th, 1894, by H. T. Landrum, Judge of the Northern Judicial Circuit of the Cherokee nation. This is filed herewith.

Q Give me the names of the children? No response - hands paper to Commissioner.
Q Your elder child is named Lola, is it? A Yes sir.
Q Three years old? A Yes sir.
Q The next child is named? A Beulah M.
Q She is one month old? A Yes sir.
(1880 Roll, Page 88, #841, Pet G. England, Delaware District)
(1896 Roll, Page 48, #673, Pet Jackson, Delaware District)
(1896 Roll, Page 48, #673, Tandie Andrew Jackson, Delaware District)

The applicant applies for the enrollment of himself, his wife and two children; His wife is identified on the rolls of 1880 and 1896, as a Native Cherokee; Her change of name is established by the marriage certificate filed herewith; She is living in the Cherokee Nation, and she will be listed now for enrollment as a Cherokee citizen by blood. When the Commission is supplied with proper certificates of the birth of the two children, Lola and Beulah M. they also will be duly listed for enrollment as Cherokees by blood.

The applicant is identified on the roll of 1896, as a native Cherokee; He claims to have been admitted by the Cherokee Commission, or Council, in 1894, and to have lived in the Cherokee Nation ever since that time. At present, his application will be placed upon a doubtful card, and he is required to supply official evidence of his admission, as stated.

[redacted]

[redacted]

[redacted]

R. R. Crawford

Subscribed and sworn to before
me this 5th day of October, 1900.

[redacted]

SUPPLEMENTAL: D 508 also D 476.

Toshie A. Jackson
&
James H. Harmon.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 7, 1900.

In the matter of the application of Toshie A. Jackson for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Toshie A. Jackson.
Q Mr. Jackson you made application at Vinita on the 3rd of October for admission for yourself and family did you not? A Yes sir.
Q And your wife and two children were admitted at that time?
A Yes sir.
Q And you were put upon a doubtful card. A Yes sir.
Q You apply for yourself as a Cherokee by blood. A Yes sir.
Q Give me the name of your father? A Green W. Jackson.
Q Give me the name of your mother? A Ella Jackson.
Q What was her name before it was Jackson? A Ella Dawson.
Q Your mother's maiden name was Dawson? A Yes sir.
Q You claim that your mother was admitted to citizenship by the Cherokee Commission? A Cherokee Council.
Q Is your father alive? A Yes sir.
Q Is your mother alive? A Yes sir, my father enrolled at Vinita.
Com'r: The applicant calls attention to a certificate now filed in the case of Lizzie Jackson and others, D 330, signed by John L. Adair, Executive Clerk under the seal of his office, dated July 26 1896 to this effect:
"This certifies that the following named persons were admitted to citizenship in this Nation by the proper authority on the 9th day of September 1884."
Among the names therein enumerated appears the name of Ella Dawson.
Q That was the name of your mother? A Yes sir.
Q She and your father were married at that time? A Yes sir.
Q But she was admitted under her maiden name? A Yes sir.
Q How old are you this time? A I am 26.
Q Now you claim admission as a minor at the time your mother was admitted? A Yes sir.
Q When did you come to the Cherokee Nation? A In 1884.
Q Did you come with her? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Com'r: This evidence will be filed as additional testimony in the case of Toshie A. Jackson, D 508.
Q You have a sister married to James H. Harmon? A Yes sir.
Q And your sister claims under your mother's admission too does she? A Yes sir.
Q What is her name? A Viola Harmon.
Q How old is she now? A She is older than I am.
Q She was a minor at the time your mother was admitted? A Yes sir, I think so.
Q Did your sister come to the Cherokee Nation with you in 1884?
A Yes sir.
Com'r: Copies of this testimony will also be filed in the case of James H. Harmon, and others, D 476.

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

Subscribed and sworn to before me this December 8, 1900.

[illegible]

CHEROKEE. D. 503

Joshua G Jackson

April 12, 1904. Cancelled and No. 1 transferred to Cherokee 10757.

COPY OF TESTIMONY FILED WITH THE CHEROKEE NATION.

Dec N 394

Cher D 509

D509

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Edward Lafayette Hall, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name please? A Edward Lafayette Hall.
Q How old are you? A About thirty.
Q What is your Postoffice? A Bluejacket.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll?
A Myself, wife and children.
Q How many children? A Two.
Q Is that all? A I am guardian for three minors.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you on the roll of 1880? A Yes sir.
Q Give me the name of your father? A Duncan D. Hall.
Q Dead or living? A Dead.
Q Your mother's name please? A Elizabeth Hall.
Q Dead or living? A Living.
Q How long has your father been dead; more than twenty years?
A About twelve or fifteen years I guess.
Q Give me your wife's name? A Myrtle Casto before she was married.
Q How old is your wife? A Twenty three I believe.
Q Was she never married, except to you? A No sir.
Q You were never married except to her? A No sir.
Q When were you married; what year? A About five years ago.
Q In the Spring of 1895? A Yes sir.
Q What did you do with your certificate of marriage? A I never had one.
Q Did not the preacher give you a certificate? A No sir; he did not.

Q Give me the names of your children, please? A Walter.
Q How old is that child? A Four years old.
Q Next child? A Louis F., born a year ago last December.
Q Both living now, are they? A Yes sir.
(1880 Roll, Page 267, #1256, Edward Hall, Delaware District)
(1896 Roll, Page 185, #2486, Edward Hall, Coowescoowee D'st)
(1896 Roll, Page 308, #496, Myrtle Hall, Coowescoowee D'st)
(1896 Roll, Page 185, #2487, Walter Hall, Coowescoowee D'st)
Q Have you any one here who was present at your wedding? A No sir

By Mr. J. L. Baugh, Cherokee Representative:
Q You say your wife is a claimant to citizenship here? A Yes sir.
Q Did she ever apply to the Dawes Commission for admission?
A Her father did.
Q What is her father's name? A William Casto.
Q Was she included in the application with the family? A I do not know.

By the Commission:
Q What is her mother's name? A Kate Casto.
The applicant applied for the enrollment of himself, his wife and two children; He is identified on the rolls of 1880 and 1896, as a native Cherokee; He has lived in the Cherokee Nation all his life, and will be listed now for enrollment as a Cherokee by blood.
His older child is identified with him, and its mother, on the roll of 1896, and this child, Walter Hall, will now be listed for enrollment as a Cherokee by blood. He is said to be living at this time.

As for the application of [illegible] of this child, the applicant stated that [illegible] in the Spring of 1896, but he is not able to produce a [illegible] certificate now to prove [illegible] is a "[illegible]" [illegible] of the Dawes Final Roll [illegible] placed on a doubtful card, and the final decision of the Commission will be made known to the applicant at his [illegible] address.

When the Commission is supplied with a proper certificate of the birth of the younger child, [illegible] Hall, that child also will be listed for enrollment as a Cherokee by blood.

---

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

R R Cravens

Subscribed and sworn to before
me this 8th day of October, 1900.

[illegible]

COMMISSIONER.

SUPPLEMENTAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

In the matter of the application of Myrtle Ann Hall for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q What is your name? A Myrtle Ann Hall.
Q What is your age? A 23.
Q What is your post-office? A Bluejacket.
Q In what district do you live? A Cooweescoowee.
Q Your husband applied for your enrollment yesterday didn't he?
A Yes sir.
Q Is your husband a Cherokee? A Yes sir.
Q What is his name? A Edward LaFayette Hall.
Q He is a Cherokee by blood is he? A Yes sir
Q What was your name before he married you? A Castell.
Q That your maiden name? A Yes sir.
Q When did you marry your husband? A 25th day of January 1895
Q You have lived with him ever since have you? A Yes sir.
Q You have got a witness here have you? A Yes sir

JOSEPHINE HALL, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give your name? A Josephine Hall.
Q How old are you? A 27.
Q What is your post-office? A Bluejacket.
Q In what district do you live? A Delaware.
Q You want to give some evidence in regard to the marriage of Myrtle Ann Hall to her husband? A Yes sir, I was a witness at the marriage.
Q You were present when they were married? A Yes sir
Q In what year were they married? A In 1895.
Q What time in the year? A January 25th.
Q Who married them, a preacher? A Yes sir Bluejacket.
Q Is he dead now? A Yes sir.
Q Are you a sister to her husband? A No sir, I am a sister-in-law; our husbands are brothers.

W.H. 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.H. Green

Subscribed and sworn to before me this 4th day of October 1900.

C. R. Breckinridge

Commissioner.

Supl.-C.D.#809.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL in the matter of the enrollment of MYRTLE HALL as a citizen of the Cherokee Nation:

Commission: The Cherokee Nation makes satisfactory proof of service on the said Myrtle Hall that they would on the 28th day of February, 1902, at the offices of the Commission, in Muskogee, Indian Territory, introduce testimony tending to disprove her right to be enrolled as a citizen of the Cherokee Nation. The applicant has this day, to-wit: the 28th day of February, 1902, been called thee times and failing to respond either in person or by attorney, the Cherokee Nation will be permitted to introduce said testimony.

Mr. Hastings' Cherokee Representative: The Cherokee Nations asks that the testimony in the case before the Dawes Commission in 1896, No. 2674, page 434, Docket "A", and Court No. 63, be introduced and made part of the record in this case.

Commission: The applicant was notified by registered letter February 12, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. And that she could on said date appear before the Commission either in person or by attorney and an opportunity would be given her to introduce any further testimony affecting her case. She has this day, to-wit: the 28th day of February, 1902, been called three times and failing to respond either in person or by attorney it is directed that the case be closed and the same reported to the Commission for a final decision based upon the evidence now of record.

---oooOOOooo---

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 March 4, 1902.

Commissioner.

File with Myrtle Hall, C. D. 309

Louisa E. Tretter et al,

vs No. 63.

Cherokee Nation.

Mr. Edgar Smith, Special Master to whom this case was referred, submits the following report:

IN THE UNITED STATES COURT OF THE INDIAN TERRITORY,

NORTHERN DISTRICT, AT MUSKOGEE.

---

| | |
|---|---|
| Louisa E.NTretter et.al.<br>vs No 63<br>The Cherokee Nation. | Report of Special Master. |

I, Edgar Smith Special Master in Chancery herein, respectfully submit to the Court that under and by virtue of the order of reference heretofore made by the Court I have examined the pleadings and the proof in the above entitled cause which are filed herewith and made a part hereof and I find as follows:-

- 1 -

That this cause was instituted on the 5th day of Sept. 1896 by filing before the Commission to the Five Civilized Tribes the application of the following named persons to-wit:-

| | |
|---|---|
| Louisa E. Tretter, | Albert V. Tretter, |
| Flora Belle Miller, | Lovina C. Brown, |
| John F. Tretter, | Wm. A. Tretter, |
| Carl Tretter, | James H. Tretter, |
| Maggie V. Fields, | Lena F. Tretter, |
| Fenny E. Tretter, | Gladys F. Tretter, |
| Ruby C. Tretter, | Lyle E. Tretter |
| George A. Huntsinger, | Carl Miller, |
| Graten L. Miller, | Lester E. Miller, |
| Olee Miller, | Ruby A. Brown, |
| Gracie A. Brown, | Mable M. Brown, |

Soldis Brown,
Hazel B. Tretter,
Gaither S. Tretter,
Lula Tretter,
Christopher Pittsenbarger,
Steven A. Pittsenbarger,
Marcus L. Pitsenbarger,
Rosalla M. Pickerell,
Lenard G. Pitsenbarger,
Carry L. Egglesten,
Leona Egglesten,
Floyd Egglesten,
Harriet Ketchum,
Wm. R. Pitsenbarger,
John A. Pittsenbarger,
Gertie A. Pittsenbarger,
Mary A. Reed,
Mary C. Caste,
William F. McCabe,
Sarah Chase,
James B. McCabe,
Lynold McCabe,
James R. Caste,
Margarette Caste,
William Caste,
Mary C. Cox,
Bessie McCabe,
Lora McCabe,
Robert F. McCabe,
Stella F. Chase,
Louella M. Chase,
William A. Lauckner,

James L. Brown,
Dale B. Tretter,
Eva Tretter,
Ruby Phelps,
John A. Pittsenbarger,
Charles M. Pittsenbarger,
Alma J. Pitsenbarger,
Jacob C. Pitsenbarger,
Mary L. Pitsenbarger
Harry Egglesten,
Elizabeth Egglesten,
Henry Pitsenbarger,
May C. Thompson,
Francis M. Pittsenbarger,
Chas. A. Pittsenbarger,n
Samuel L. Pittsenbarger,
James F. McCabe,
Robert McCabe,
Isaac Reed,
Wm. F. McCabe,
Minnie McCabe,
Albert C. Caste,
John A. Caste,
Myrtle Caste,
Charles Caste,
Elmer McCabe,
Stella McCabe,
Lawrence McCabe,
Isaac McCabe,
Nellie B. Chase,
Charles M. Lauckner,
Sarah York,

| | |
|---|---|
| Martha Jennings, | Grant Lanehner, |
| Sulla N. Lanehner, | Clarence M. Lanehner, |
| Mawis Lanehner, | James E. Lanehner, |
| Ray J. Jennings, | Anita M. Jennings, |
| Ela Belle Jennings, | Manella York, |
| Mary May York, | Charles William York, |
| William H. Galoway, | Thomas Jefferson Pittsenbarger, |
| Ola M. Lawrence, | Jessie E. Lawrence, |
| Lewis H. Harman, | Peter M. Harman, |
| Sarah E. Couch, | Charles C. Harman, |
| Margarette Bray, | James Harman, |
| Paskell Harman, | Lewis G. Harman, |
| Lela Bacon, | Lewis F. Harman, |
| Emma Harman, | William Harman, |
| Minnie Harman, | Eva Harman, |
| Charles E. Couch, | Maggie Couch, |
| Fannie Couch, | William M. Harman, |
| Maggie F. Harman, | Lewis A. Harman, |
| Belle Bray, | Mary Bray, |
| Alice Bray, | Samuel Bray, |
| Orie E. Harman, | Leo Harman, |
| Mable Harman, | Claude C. Bacon, |

Grant Harman, praying admission to the rights of Cherokee Citizenship claiming through Christopher Harman who is alleged to have been a Cherokee Indian by blood; that on the 2nd day of Oct. 1896 appellee herein filed demurrer and answer;

That on Nov. 7th, 1896 said application was by said Commission denied no reason being assigned therefor; that on the 19th day of Dec. 1896 said applicants, the appellants herein appealed to the District Court of the United States sitting at Muskogee, Indian Territory.

- 11 -

That said applicants filed in support of their application the affidavits of the following named persons to-wit:

| | |
|---|---|
| Mary A. Reed, | Orsten Miller, |
| M. L. Reed, | Elizabeth A. Brown, |
| John Pittsenbarger, | Lewis M. Harman, |
| Carrie Eggleston, | William Matory, |
| Francis Crosswhite, | Stephen A. Pittsenbarger and |

Samuel Lauchner and a receipt from J. C. Duncan, abstract of roll of 1835;

That the appellee herein filed no testimony in support of its answer;

- 111 -

That Louisa M. Tretter, Christopher Pittsenbarger, Henry Pittsenbarger, Francis M. Pittsenbarger, Mary A. Reed and Thomas J. Pittsenbarger are the children of Catherine Pittsenbarger;

That Catherine Pittsenbarger was the daughter of Christopher Harman;

That the said Christopher Harman was a brother of John Harman referred to in application;

That Charles M. Lauchner is a son of Sallie Lauchner nee Harman who was a daughter of the aforesaid Christopher Harman;

That Lewis M. Harman is the son of the aforesaid Christopher Harman;

That no application of Francis Crosswhite appears with the papers;

That lineal descendants of the aforesaid Louisa M. Tretter are as follows:-

| | |
|---|---|
| Albert V. Tretter, | son, |
| Flora Belle Miller, | daughter, |
| Lorena C. Brown, | daughter, |
| John F. Tretter, | son, |
| William A. Tretter, | son, |

| | |
|---|---|
| Carl Trotter, | son, |
| James H. Trotter, | son, |
| Maggie V. Fields, | daughter, |
| Lena P. Trotter, | granddaughter, |
| Henry R. Trotter, | Grandson, |
| Gladys F. Trotter, | granddaughter, |
| Ruby C. Trotter, | granddaughter, |
| Lyle E. Trotter, | grandson, |
| George A. Hutchsinger, | grandson, |
| Carl Miller, | grandson, |
| Crayton L. Miller, | grandson, |
| Lester R. Miller, | grandson, |
| Cloe Miller, | granddaughter, |
| Emily A. Miller, | granddaughter, |
| Gracie A. Brown, | granddaughter, |
| Mable M. Brown, | granddaughter, |
| Goldie Brown, | granddaughter, |
| James L. Brown, | granddaughter, |
| Hazel E. B. Trotter, | grandson, |
| Dale B. Trotter, | grandson, |
| Gaither G. Trotter, | grandson, |
| Iva Trotter, | granddaughter, |
| Lula Trotter, | granddaughter, |
| Ruby Fields, | granddaughter. |

That the lineal descendants of the aforesaid Christopher Pittsenbarger, are as follows:-

| | |
|---|---|
| John A . Pittsenbarger, | son, |
| Stephen A. Pittsenbarger, | son, |
| Charles M. Pittsenbarger, | son, |
| Marcus L. Pittsenbarger, | son, |
| Alena J. Pittsenbarger, | daughter, |
| Rosella E. Pickerell, | daughter, |
| Jacob C. Pittsenbarger, | son, |

| | |
|---|---|
| Leonard G. Pittsenbarger, | son, |
| Mary L. Pittsenbarger, | daughter, |
| Carry L. Eggleston, | daughter, |
| Harry Eggleston, | grandson, |
| Leona Eggleston, | granddaughter, |
| Elizabeth Eggleston, | granddaughter, |
| Floyd Eggleston, | grandson, |

That the lineal descendants of the aforesaid Henry Pittsenbarger are as follows:- Harriet Ketchem, daughter, Mary C. Thompson, daughter, William H. Pittsenbarger, son;

That the lineal descendants of the aforesaid Francis M. Pittsenbarger are as follows:-

| | |
|---|---|
| John A. Pittsenbarger, | Chas. A. Pittsenbarger, |
| Gertie A. Pittsenbarger, | Samuel L. Pittsenbarger; |

That the lineal descendants of the aforesaid Mary A. Reed are as follows:

| | |
|---|---|
| James F. McCabe, | son, |
| Mary C. Casto, | daughter, |
| Robert McCabe, | son, |
| Grant Lauchner, | son, |
| Sulla M. Lauchner, | grandson, |
| Clarence M. Lauchner, | grandson, |
| Maude Lauchner, | granddaughter, |
| James E. Lauchner, | grandson, |
| Ray J. Jennings, | grandson, |
| Austa M. Jennings, | granddaughter, |
| May Belle Jennings, | granddaughter, |
| Hazella York, | granddaughter, |
| Mary M. York, | granddaughter, |
| Chas. William York, | grandson, |

That William H. Calloway is a nephew of the said Chas. M. Lauchner;

That Ola M. Lawrence and Jesse E. Lawrence are neice

and granddeice respectively of the aforesaid Thomas J. Fittsemberger;

That the lineal descendants of Lewis M. Harman aforesaid are as follows:

| | |
|---|---|
| Peter Harman, | son, |
| Sarah E. Couch, | daughter, |
| Chas. C. Harman, | son, |
| Margarette Bray, | daughter, |
| James Harman, | son, |
| Paskell Harman, | son, |
| Lewis C. Harman, | son, |
| Lela Bacon, | daughter, |
| Lewis F. Harman, | grandson, |
| Emma Harman, | granddaughter, |
| William Harman, | grandson, |
| Minnie Harman, | Granddaughter, |
| Eva Harman, | granddaughter, |
| Chas. E. Couch, | grandson, |
| Maggie Couch, | daughter, |
| Fannie Couch, | daughter, |
| William M. Harman, | grandson, |
| Maggie F. Harman, | granddaughter, |
| Lewis A. Harman, | grandson, |
| Belle Bray, | granddaughter, |
| Mary Bray, | granddaughter, |
| Alice Bray, | granddaughter, |
| Samuel Bray, | grandson, |
| Orie E. Harman, | grandson, |
| Leo Harman, | grandson, |
| Mable Harman, | granddaughter, |
| Claude Bacon, | grandson, |
| Grant Harman, | grandson, |

-IV-

I find that these applicants are all lineal descendants of Christopher Harman as herein before shown; that the said Christopher Harman was a brother of the whole blood of one John Harman referred to herein; that the said John Harman is shown to have been an enrolled member of the eastern tribe of Cherokees and that it is shown that he came to or was removed to the Indian Territory;

That it is not shown that the said Christopher Harman was an enrolled Cherokee but that it is shown that he was a recognized and acknowledged Cherokee Indian by blood in the State of Tenn., where he resided; that these applicants are all Cherokee Indians by blood;

That Louisa E. Trotter resides in the Cherokee Nation Indain Territory; that the evidence does not show that any of her of said applicants reside in said Cherokee Nation, that it is not shown that either of these applicants were ever enrolled by the Cherokee Nation as Cherokee Indians by blood since the removal of said Nation to its present location; that the evidence shows that said family have made applications in 1889 and 1890 to the proper authorities of the Cherokee Nation and filed a great number of affidavits, but said application appears never to have been passed upon.

- V -

Appellants contend, they having shown that they are Cherokee Indians by blood and that their ancestors were acknowledged Cherokee Indians by blood and that they have sought in good faith to obtain enrollment from the Cherokee Nation without adjudication that they are entitled to be enrolled as Cherokee Indians by blood and to all the rights and benefits which attach to such citizenship.

While appellee contends that it not having been shown that either of these applicants was ever enrolled by the Cherokee Nation as a Cherokee Indian by blood since the removal of said Nation to

its present location; that applicants are barred from being enrolled at this time.

I respectfully ask that a reasonable fee be allowed me as Master herein. Masters fee paid.

Respectfully submitted this 28th day of Sept. 1897.

signed, Edgar Smith,

(see over) Special Master.

I, the undersigned, do certify as stenographer to the Commission tothe Five Civilized Tribes, that the above and foregoing is a true and correct copy of the original.

Ella Wieling

File with C. D. #409

IN THE UNITED STATES COURT OF THE INDIAN TERRITORY,

NORTHERN DISTRICT AT MUSKOGEE.

| | |
|---|---|
| Louisa M. Tretter et al<br>vs No. 43<br>The Cherokee Nation. | Supplemental Report. |

New attention having been called to the fact that the names of some of the applicants embraced herein have been omitted fr from the foregoing report, I herewith submit the following finding in connection with the foregoing report.

I find that upon examination of the papers herein that Wm. Castoe and Sarah Castoe, Wm. F. Castoe, Fred Cox, Nellie Castoe, Lawrence, Robert F., Isaac R. McCabe, Gertrude York, Stephen Wesley, Louella Pittsenbarger, Rena Parish, Amos Reed, were embraced in the original application.

That the above named applicants are related to those applicants heretofore mentioned on the foregoing report, whose relation to the common ancestor has already been therein shown, as follows to-wit:- Sarah and Wm. Castoe are children of James R. Castoe who was the grandson of the aforesaid Mary A. Reed;

W. F. and Nellie Castoe are the children of ~~xxxxxx~~ John A. Castoe who was also a grandson of the aforesaid Mary A. Reed; that Amos Reed is the son of Isaac Reed also the son of the aforesaid Mary A. Reed;

Lawrence, Robert F., Isaac R. McCabe are children of Wm. F. McCabe also the son of the aforesaid Mary F. Reed;

Gertrude York is the daughter of Sarah York who is the daughter of Chas. M. Lauchner mentioned in the foregoing report;

Stephen Wesley and Louella Pittsenbarger are the children of Thos. J. Pittsenbarger mentioned in the foregoing report;

Rena Parris is a daughter of Henry Pittsenbarger mentioned in the foregoing report.

That the evidence in the foregoing case does not show how long the said Louisa E. Tretter has resided in the Cherokee Nation; that the family was originally from the State of Tenn.

Respectfully submitted,

9/28/07.

signed, Edgar Smith,

Special Master.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

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File with C. D. #609

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,

NORTHERN DISTRICT AT MUSKOGEE.

---

Louisa E. Trotter et al

vs No 63 Supplemental Report.

The Cherokee Nation.

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I, Edgar Smith, Special Master in the above entitled cause respectfully submit to the Court that under and by virtue of the order of resubmission herein of date Nov. 9th, 1897, and in accordance with the notice given by me as such Special Master as provided by law I heard testimony in the above entitled cause on Nov. 15th 1897 and I find as follows to-wit:-

That Louisa E. Trotter and her family (except Lonina Brown and her family and Flora Miller and her family and Albert V. Trotter and his family) reside in the Cherokee Nation; that Lovina C. Brown resided in the Cherokee Nation for about 8 years and left the Cherokee Nation about one year ago with the intention of returning if their application for citizenship to the Cherokee Nation should be passed upon favorably; that the said Flora Miller and her family and the said Albert V. Trotter and his family have never resided in the Cherokee Nation; that Francis M. Pittsenbarger and his family, Henry Pittsenbarger and his family, Thomas Jefferson Pittsenbarger and his family, Ella Lawrence and her family, Mary C. Castee and her family, Isaac Reed and his family and Chas. M. Lauchner and his family reside in the Cherokee Nation; that the said Francis Pittsenbarger, Henry Pittsenbarger, Thos. Jefferson Pittsenbarger, William Castee, Chas. M. Lauchner and Isaac Reed together with their respective families have resided in the Cherokee Nation for the last nine years;

That Louisa E. Trotter and her family with the exception above stated have resided in the Cherokee Nation for the last 8 years That Mary A. Reed resided in the Cherokee Nation for 2 years and

left the said Nation immediately after the application was filed before the Commission to the Five Civilized Tribes.

William T. McCabe improved a farm in the Cherokee Nation and left the improvement about one year afterwards, leaving some household goods and declaring his intention to return to the Cherokee Nation.

The applicants herein were from Missouri to the Indian Territory and the family was originally from the state of Tenn.

RRespectfully submitted this 16th day of Nov. 1897.

Signed, Edgar Smith.

Special Master.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

Ella Mieling

File with C D #609.

Louisa E. Trotter et. al.

vs No. 43

The Cherokee Nation. Additional Report.

I, Edgar Smith, Special Master herein respectfully submit to the Court that the following named persons whose names appear to have been omitted from the original report were embraced in the original application to-wit:-

Earnest C., Edith E., Geo. V., and Joseph Pittsenbarger who are children of John P. Pittsenbarger mentioned in the foregoing report, also Raymond B. and Chas. A. Pittsenbarger who are the children of Stephen A. Pittsenbarger mentioned in the foregoing report.

Respectfully submitted this 28 day of Sept 1897.

signed, Edgar Smith,

Special Master.

I, the undersigned, as stenographer to the Commissioners to the Five Civilized Tribes, do certify that the above is a true and correct copy of the original.

Ella Wheeler

BY THE COURT:

It shows that there are 147 applicants for citizenship in the Cherokee Nation embraced in this case. The Special Master's report is very thorough and exhaustive; no exceptions having been taken to it. A supplemental report is also submitted and made a part of this opinion.

The applicants in this case base their right to be enrolled as citizens of the Cherokee Nation on the ground that they are the descendants of Christopher Harmon, who is alleged to have been a Cherokee Indian by blood, who was a brother of one John Harmon, who was a member of the Eastern Band of Cherokees, and that he was recognized as such in the State of Tennessee. It appears from the supplemental report in this case that some of the applicants reside in the Cherokee Nation, but that the longest time of the residence of any one of them is stated to be nine years. The other applicants are non residents of the Indian Territory. The facts further show that the family made application in 1889 and 1890 to the Cherokee authorities for enrollment as citizens of the Nation, but this application appears never to have been passed upon. It does not appear whether these applications were made to a Cherokee Commission or to the Council. The contention as exhibited by the Master is solely upon the fact that they are Cherokees by blood.

The court is of the opinion that the judgment of the United States Commission should be affirmed, and the applications of the claimants to be enrolled as citizens of the Cherokee Nation is denied

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

Etta Mileng

# NOTICE!

*IN THE MATTER OF* the application of Myrtle Hall for enrollment as Cherokee citizens:

Case No. D 509

To Myrtle Hall, Bluejacket, 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 Muskogee, I. T. Indian Territory, on February 28th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of February, 1902.

N. N. Hastings

Attorneys for the Cherokee Nation

D. 309

INDI[illegible]RITORY,
CHE[illegible]NATION.

I hereby [illegible]rtify 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 ..... , 190 .

.....

Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

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.

---

Proof Filed Will
Commission Feb 26
1902

CHEROKEE D.

Myrtle Hall.

OCT 25 1907 [illegible] transferred to [illegible]

Cher D 510

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 4 [illegible]
Acting Chairman

D5-10

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 3, 1900.

In the matter of the application of James W. King for enrollment of himself and two children as citizens of the Cherokee Nation, said King being duly sworn by Commissioner Needle s, testified as follows:

Q What is your name? A James W. King.
Q How old are you? A 29.
Q What is your postoffice address? A Vetchum.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A Yes.
Q What degree of blood? A About a quarter.
Q For whom do you apply? A Myself and two children.
Q What are the names of your children? A Rosa L., 6 years old.
Q Next? A Hallie D., 3 years old.
Q What is your wife,s name? A Josie.
Q Have you a certificate of marriage? A No sir.
Q Is she a Cherokee citizen by blood? A No sir, white woman .
Q What proof have you of your marriage? A My mother is here.
Q Did you get a certificate? A I married her while I was in Texas on a visit.
Q What year? A '92.
Q You and her are separated now? A Yes.
Q Have you got the children? A No sir, she has.
Q Have you any divorce? A No sir.
Q She has the care and custody of them? A Yes.
Q Taking care of them and raising them? A Yes, but she wrote me that she wanted me to take care of them andbring them up.
Q Where is she? A In Oklahoma.
Q Has she married since? A No sir.
Q Have you married since? A No sir.
Q How long has she been in Oklahoma? A Since last February.
Q Did she leave you or did you leave her? A She run off.
Q With another man? A Yes.
Q Take the children with her? A Yes, took one and came back last February and wanted the other one.
Q You let her have them? A Yes.
Q And by your consent she has them? A Yes.
Q You have no proof of birth as to this youngest child? A No sir, except my mother is here.
Q Do you know that she runn off with another man? A Yes .
Q Do you know she is living with anther man now? A No sir, she is living with her uncle now.
Q How long did she stay with this man? A She said she did not stay with him but a couple of weeks.
Q Did she live with him as his wife? A I think so; that is the general information? X
Q Do you think that information is reliable? A Yes, I think it is.

BEN HAFF , being sworn, testified:
Q What is your name? A Ben Haff.
Q What is your postoffice? A Vinita.
Q Your age? A 32.
Q Do you know James W. King? A Yes.
Q Do you know his wife? A Yes.
Q Do you know about her leaving him and running off with another man.
A I know she run off with another man; that's about all I know.
Q Was he a white man? A Yes.
Q Do you know anything about her living with him or how long she lived with him? A No sir.

APPLICANT CONT'D:
By the applicant: I am not on the '80 roll, my mother had me in Kansas that year.
Q Where were you born? A In the Cherokee Nation.
Q What is your mother,s name? A Catherine King.
Q When did you go to Kansas with your mother? A When I was about 8 or 9 years old.
Q How long did you remain in Kansas? A About 2 years.
Q Then you cam back here in '8L or '82? A '81.
Q Have you lived here continuously since '81 or '82.
A yes I made my home here ever since.
Q How long did your mother live in Kansas when she went back there in '79 or '80? A I don't suppose she lived there over a couple of years.
Q She came back? A Yes, and brought me with her.
Q Where was your father? A Over on Grand river.
Q He did not go to Kansas with your mother? A No sir.
Q Did they separate? A Yes.
Q Have they lived together since then? A No sir.
Q How long did she live here after she came back? in '81 or '82.
A Only a short while and went back to Kansas and left me here.
Q You afterwards went up where your mother was? A Yes.
Q When ? A About three years afterwards.
Q When did you come back here? A In '90.
Q Went up there in '85 and remained there until '90? A Yes.
Q Lived here continuously since '90? A Yes.
Q Did your mother come back in '90? A No sir, in '92 or '93.
Q Did you live here before your mother came back? A Yes, I was living here when she came.
Q Are you a Shawnee? A Yes.
Q Did your mother have a home up there? A Nothing except some town property. When I came here she was living in Texas.
Q You married in Texas? A Yes.
Q When were you married? A Directly after I came here in '90, and married in Texas in '92.
Q How long were you in Texas at the time you were married? A About a year after I was married?
Q How long did you stay in Texas after you were married? A About a year.
Q When did you come back here the last time? A About '93.
Q You brought your wife? A Yes.
Q Since '93 you have lived here? A Yes.
Q What were you doing in Texas? A I was working.

Applicant on '96 roll, page 607, number 231.
Applicant's child, Rosa L., on '96 roll, page 607, number 232.

Q You were born in the Cherokee Nation? A Yes.
Q Directly after the Shawnees came down here? A Yes, a little over a month after my mother and father came down. They got here on the 9th of June, and I was born on the 25th day of July.
Q How old were you when you left here the first time? A A 6 or 7 or 8 or 9 years old- I was small.
Q You never lived here very much from the time you were 6 or 7 years old until after you married and returned? A Yes.
Q You were out of her the most, if not all the time, from '78 or '79 until '93. A I was back here when that $15.50 payment was.
Q You were back here to all of the payments? A yes.

By the Commission:
The name of James W. King appears upon the census roll of '96, but does not appear upon the '80 roll. The name of his child, Rosa L., appears upon the census roll of '96. The name of Hallie D., his child, does not appear upon said roll, having been born after same was compiled, and no proof of birth is made. Testimony as to citizenship not being satisfactory, final judgment as to his enroll-

ment will be suspended and his name, and that of his two children, will be placed upon a doubtful card. It will be necessary for him to supply satisfactory certificate of birth as to his child, Hallie.

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

Subscribed and sworn to before me this 4th day of October, 1900.

Commissioner.

Shawnee, by blood. Chero. D - 510.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 20, 1901.

Supplemental testimony in the matter of the application of James W. King et al.

James W. King, Jr. being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name. A James W. King, Jr.
Q How old are you? A I will be thirty years old in July.
Q You are 29 past now? A Yes sir.
Q What is your postoffice? A Ketchum.
Q Are you the James W. King who applied for himself and two children in October last? A Yes sir.
Q What are the names of your children? A Rosa L. and Hannah D. King.
Q You were put on a doubtful card, you and your children at that time? A Yes sir.
Q Is your mother living? A Yes sir.
Q Is she a Cherokee by blood? A No sir, she married a Shawnee.
Q She is a white woman, is she? A Yes sir, white woman.
Q Is your father alive? A Yes sir.
Q What is he? A He is a Shawnee.
Q Where did your mother and father marry? A They married in Kansas.
Q Did they marry in Kansas before the Shawnees moved down to the Cherokee Nation? A Yes sir.
Q Did she come with him? A Yes sir.
Q That was the general movement came of the Shawnees? A Yes sir.
Q Give me the name of your father. A James W. King, Sr.
Q Give me the name of your mother. A Katherine King.
Q Was your mother ever married before she married your father? A No sir.
Q Was your father ever married before he married your mother? A No sir.
Q What is the name of your wife? A Josie.
Q She is a white woman, I believe, you stated in your former testimony? A Yes sir.
Q Did you get out a license when you married her? A Yes sir, in Texas.
Q Why don't you produce a copy of the license and certificate? A I can get it.
Com'r. You need to establish your marriage.
Q Were you ever married before you married this woman, Josie? A No sir.
Q Was she ever married before she married you? A No sir.
Q In what county in Texas were you married? A Donley County.
Q You must write down to the County Clerk and get an official copy of your marriage license and certificate and send it to this Commission to establish your marriage? A Yes.
Q Now, you gave testimony before of having gone up to Kansas and lived some time with your mother? A Yes sir.
Q And then having come back to the Cherokee Nation in '90, ten years ago? A Yes sir, '91.
Q You don't appear to have stayed here long, you went to Texas? A I went back to Texas in '92 and married and come back here.
Q What do you mean by going back to Texas, had you been there before? A I was there in '91, and then come back.
Q I thought you said you were in Kansas in '91? A She went to Kansas after her and her husband separated, and then I went to Mexico. I was in Mexico when the '80 roll wastaken.
Q In New Mexico? A Yes sir.
Q Go on? A And them mother fetched me back in '82, and I stayed here until '84; she come after me and took me to Texas.
Q What year was that? A In '84.
Q How long did you stay there? A Until '91.
Q And then what did you do? A I come back here and stayed here until '92.
Q And then what did you do? A Went back there and married.
Q To Texas and married there? A Yes sir.

Q You were a grown man at that time? A Yes.
Q How long did you stay in Texas this last time when you got married? A Until '94.
Q Did you vote down there? A No sir.
Q Did you in any way become a citizen of Texas? A No sir.
Q Did you bring your wife here in '94 when you came back? A Yes sir.
Q Have you lived continuously in the Cherokee Nation ever since? A Yes, I made this my home; I have been back to Texas on a visit, and then come back. I was gone a year.
Q Have you ever voted down there? A No sir.
Q Well, those long stays in Texas, you did business down there, did you farm there? A I worked all the time I was there.
Q What kind of work? A I was hired out.
Q Have you spent any time in Kansas since you were grown? A No sir.
Q What district was your father in in 1880? A Delaware.
Q Your mother was absent in 1880? A Yes sir.
Q Had she and your father separated? A Yes sir.
Q Did you have a grandmother named Katherine King? A Yes sir.
Q That is your mother's mother? A No sir, my father's mother.
Q Is Katherine King your grandmother dead? A No sir, she is living.

The 1880 authenticated roll of the citizens of the Cherokee Nation examined and the name of the applicant's father is identified on page 277, No. 1476, James King, Delaware District, Adopted Shawnee.

Q Is there anybody here who knows that your father and mother were lawfully married? A Mr . Yost I believe and his wife, Katherine Yost.

James D. Yost, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name. A James D. Yost.
Q How old are you? A I am 64 past.
Q What is your postoffice? A Ketchum.
Q How long have you lived in the Cherokee Nation? A Nearly 41 years.
Q Do you know the applicant here, James W. King? A Yes sir.
Q Do you know his father? A Yes sir.
Q Has his father the same name? A Yes sir.
Q Both James W.? A I don't know about the "W"; they are both James Jing.
Q Do you know the applicant's mother, Katherine? A Yes sir.
Q What is she, a white woman? A She is a whitewoman, said to be.
Q What do you know about the marriage between this man's mother, Katherine, and his father? A I don't know anything.
Q Did you ever see them living together as husband and wife? A Yes sir.
Q How long did you know them as husband and wife? A Since '71, I believe.
Q And they parted after a while? A Yes sir.
Q What year was it as near as you can recollect they parted? A I don't remember.
Q About how long after you knew them? A I think about - well, I couldn't say. I think about '74 or '6.
Q Well now, this man's father was he a Shawnee or Cherokee? A He was a Shawnee.
Q Do you know whether he came with the Shawnees to the Cherokee Nation when they all moved down here? A Yes sir.
Q Did this mother come with him? A I think so.
Q Did you see her at that time or after that? A I saw them about the time they come; they moved and settled close to where I live; they came here as man and wife to the best of my knowledge.
Q They passed in the community as man and wife? A Yes sir.
Q This man was not living at that time? A He was born directly after they moved here, I think not over one month.
Q Who is George King? A He is a brother of this man's father.
Q This boy's uncle? A Yes sir.
Q Did George have a wife named Katherine? A George wasn't married;

this boy has an aunt named Katherine.
Q And a grandmother? A Yes sir.

On the printed list of Cherokee-Shawnees who came to the Cherokee Nation in 1871, there appears all three of the Katherine Kings who have been mentioned in the testimony; therefore, it is considered that the applicant's mother is identified with his father on that roll.

Q Tell me please, what you know about where this man has lived all his life? A Up to the time he was may be four years old, or such a matter, he lived right there in my neighborhood with his grandmother, near where I lived, and then his father and the old lady parted and she took this boy and went off, and was gone, indded I don't know how long; they were gone anyhow the time when the roll of 1880 was made.
Q He was a child then? A Yes sir.
Q Tell me about him since 1880, when did he come back and all about him? A He came back I think it must have been about '84; No, it was after that.
Q Did he come and go? A Wait until I study a half a minute. He come and stayed here one fall, I don't know how long; he stayed here and gathered corn for me that fall and along in the spring; that must have been about '91; he went back to Texas or went off.
Q Had he been back here in the eighties some time? A He was back here when that Shawne money was paid out.
Q Had you seen him before he gathered corn for you in '91? A Yes sir.
Q About how long before that? A He had been here all the fall and along in the winter time, probably about December.
Q Had you seen him any previous years? A No, I don't think I did.
Q Not since his mother carried him away? A Not since his mother carried him away.
Q But in all events, he had been here some time before he gathered corn for you? A Yes sir.
Q Well, what about since that time? A He left here in the spring.
Q In the spring of '91? A I think it was. Anyway he was gone when. He came back here when the '96 roll was made; in the meantime he was married; when he came back he brought his wife.
Q And hashe been living with her ever since? A Yes sir.
Q What has he been doing? A Farming and worked some for me and worked around generally. He hasn't been here all the time; he went to Joplin and was gone a month or two.
Q Do you know of any other absence except that? A No sir.
Commissioner of Applicant: What were you doing up in Joplin? A I was working in the mines.
Q You didn't mention that Joplin trip? A No sir.
Q Had you been working up there in the mines except that one trip to Joplin? A No sir.
Q Why didn't you tell about that Joplin trip? A I don't know; they never asked me.
Q I asked you about all your absences; did you have it in mind? A I never thought about it.
James D. Yost, recalled:
Q Have you ever known this man's citizenship to be questioned? A No sir, never have, not until he made an application to this Commission and then I heard he had been put on a doubtful list.
W. F. Hastings: Where was this oldest child of his born, Rose I believe? Did he bring any children with him? A She was born in Texas; she must have been.
Q How many children of his was born in Texas? A Two, but one died; there may have been three; I am not positive.
Commissioner of Applicant: How many children have you had to die? A Two.
Q Give me the names of those two children who are dead? A Jenina King.
Q And the next child? A Mabel.
Q How old would Jenina be is she were living now? was she older than Rose? A Yes sir, she would be eight years old or past.

Q How old would Mabel be? A She would be five.
Q She was born after Rosa? A Yes sir.
Q Where was Jenina born? A She was born in Clarendon, Texas.
Q Where was Rosa born? A In Miami, Texas.
Q And where was Mabel born? A Here in the territory.
Q How many children did you bring with you when you came from Texas? A One.
Q That was Rosa, was it? A Yes sir.
Q Now, you have testified that you were married down in Texas in '92, and that you came back here from Texas in '94? A Yes sir.
Q What time in '92 were you married? A June 10th.
Q What time did you get back here in '94? A Got in here in December some time.
Q How long did Jenina live? A She lived about six months.
Q How old was Rosa when you came back from Texas? A She was born in February, the 28th, and in December she was eight months old.

This will be filed as additional testimony in Cherokee case D - 510.

The testimony now adduced establishes in a satisfactory manner the lawfullness of the marriage between the applicant's father and mother. His father has been identified on the roll of 1880, and his mother has been identified on the Shawnee Roll as the wife of the applicant's father, as set forth in the testimony. This does not indicate whether her status as a Cherokee citizen was maintained, but only that she was officially recognized as the lawful wife of the applicant's father at the time that the Shawnees moved to the Cherokee Nation. The applicant's absences from the Nation which took place during his minority and at certain times in the earlier part of his majority have been explained in a satisfactory manner. As heretofore shown, he makes no application for the enrollment of his wife, who is a white woman, and from whom he has parted, but he is enjoined now to supply the Commission with an official copy of his marriage license and certificate, which he states can be procured in Texas, in order to fully establish the legitimacy of his two children, for whom he has made application.

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

E. J. Rothenberger

Subscribed and sworn to before me this 22nd day of May, 1901.

Commissioner

Supl.-C.D.#510.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL in the matter of the enrollment of JAMES W. KING, etal as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902, and that he could on said date appear ~~in~~ either in person or by attorney and an opportunity would be given him to introduce any further testimony affecting said application. Receipt has been acknowledged of Commission's letter and the applicant has this day been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed and that the same be reported to the Commission for final decision based upon the evidence now on file.

Mr. W. W. Hastings, Cherokee representative, present.

Commissioner.

J.O.R.

S 310

In re James W. King Jr.,
Rosa L. King, } Applicants for enrollment
Wallis S. King, } Cherokee Shawnee Roll.

Hon Commission
To Five Civilized Tribes
Muskogee I.T.

The Applicant James W. King Jr was born in the Cherokee Nation July 25. 1871.

His father James W. King Sr. a Shawnee Indian by blood and his mother an adopted Shawnee were married in Kansas and both removed to the Cherokee Nation prior to June 10. 1871 and are on the Cherokee Shawnee Register Roll of that date Nos 464-465

In 1879 they separated but never divorced, and she took their son the applicant to Kansas and there resided for two years and returned with him in 1881 and in 1884 again had possession of the applicant and came to the Cherokee Nation and left him there in 1889.

The applicant went to Texas in 1892 and married a white woman who subsequently deserted him, but not divorced.

There was born of this marriage four children, two being now alive Rosa L. King and Wallis S King.

The applicant James W. King Jr has resided in the Cherokee Nation continually since 1896.

The applicant is enrolled upon the roll made by John W. Wallace, No 333 James King Jr.

Upon the Cherokee Shawnee Roll made by J. G. Dickson, Jr. with his daughter Rosa L King 466-467.

Upon the Cherokee Census roll of 1896

Upon the Cherokee Shawnee pay rolls of 1896 under the act of the Cherokee National Council approved March 3. 1896

He was not enrolled on the Cherokee Roll of 1880 by his father at which time, the applicant was but 8 years old.

The applicant James W. King Jr. "never became a citizen of any other government" but the Cherokee Nation.

The applicant was a minor until 1892 and afterwards could not become a citizen of Texas or any other state, under their laws and constitutions as he was not a citizen of the United States

Elk v. Wilkins 112. U.S. 94.

He never violated Section 2. Article 1. Cherokee Constitution

Atty Genl Lytle say 8 Op Rept 205

"There must be a renunciation of allegiance to one and a purpose of making a home and becoming a citizen of another country."

The evidence shows that he was "working out and never renounced his allegiance to the Cherokee Nation,

During his minority his domicil was the domicil of his father, that his father was a resident Cherokee Shawnee citizen enrolled and recognized as such on roll of 1880 and all other rolls,

The domicil of the applicant James W. King Jr. being in the Cherokee Nation, is the domicil of his children. Rosa L and Hallie D King

Since 1896, his domicil has been in the Cherokee Nation the section of the Curtis act does not apply

L S McClure

Atty for James W King Jr

H Chaldean

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes

Muskogee I. T. June 12, 1902.

In the matter of the applications of

Catherine King Cherokee D. 513.

James W. King et al Cherokee D 510.

for enrollment as citizens of the Cherokee Nation.

Brief on part of the Cherokee Nation.

The testimony in these cases show that Catherine King is a white woman, and that she came to the Cherokee Nation as the wife of James W. King Sr., in 1871 and because of her marriage to James W. King Sr., she is enrolled with the Shawnees who came to the Cherokee Nation at that time. Her son who is listed for enrollment on Cherokee Doubtful card number 510 claims to have been born a short time after their arrival in the Cherokee Nation in July 1871. In both of these cases the evidence with reference to residence is quite unsatisfactory; they claim to have lived here some five or six years and to have left the Cherokee Nation in 1878 or 1879 and went to Kansas where they remained a short time and came back through the Cherokee Nation and stopped temporarily; we next find them in the State of Texas. These two cases are briefed together because the testimony should be read together in order to see how much effort has been made to conceal the facts with reference to residence. Neither of their names appear upon the roll of 1880, both being absent at that time. Catherine King married a white man in the state of Texas and lived with him there as his wife and presumably her son must have lived with her in the state of Texas until the death of her second husband, she having separated from her first husband but a short time after their arrival in the Cherokee Nation. Her second husband was evidently a citizen of the state of Texas because he was never a citizen and resident of the Cherokee Nation and if he were a citizen of the state of Texas her citizenship became that of her husband and the citizenship of her son who was a minor at that time necessarily became that of his mother. We therefore conclude that they were all citizens of the state of Texas and if this inference be correct the very moment they became citizens of the

state of Texas they lost their citizenship in the Cherokee nation because they could not be citizens of both governments at one and the same time. It is further in the evidence that Catherine King never lived in the Cherokee Nation from 1878 or 1879 until 1896; which was after the death of her second husband and it is also in evidence that her son James W. King married in the state of Texas where two of his children were born and we do not find him in the Cherokee Nation from 1878 until 1896 with the possible exception of a short time in 1890 or 1891 when he was here temporarily.

There are a number of contentions in this case, the first being that Catherine King is a white woman, she forfeited her citizenship in the Cherokee nation by her marriage to her second husband a white man.

The next contention that we desire to specially urge is that these people resided without the limits of the Cherokee nation for a period of about eighteen years from 1878 until 1896 and we again remark that the testimony taken in both cases should be read together in order to more fully understand the movements of both. Both were married in the state of Texas, the husband of the first died there and the second had two children born there. The first must have become a citizen of the State of Texas because her husband was a citizen of that state. The second must have become a citizen of the state of Texas because he was a minor when he went there and his mother was a citizen of that state.

We do not believe the rolls of the Cherokee Nation should be too lightly set aside. The names of neither of these two parties appear upon the authenticated roll of 1880; they were not here at that time. Their names should not appear upon that roll and we insist that these people should have been readmitted to citizenship in the Cherokee nation just as it would have been necessary for Cherokees by blood to have been readmitted after an absence for that period.

For these reasons we submit that neither are entitled to enrollment as citizens of the Cherokee nation.

Respectfully submitted,

Attorney for the Cherokee Nation.

Cherokee-D-810

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James W., Rosa L. and Hallie D. King as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on October 3, 1900, James W. King appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and his two minor children, Rosa L. and Hallie D. King, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on May 20, 1901, and at Muskogee, Indian Territory, on February 28, 1902.

The evidence shows that the said James W. King is the son of James W. King, Sr. and his wife, Catherine, and that he is of Shawnee blood.

The said James W. King is identified on the 1896 Census Roll of the Cherokee Nation, and his father is identified on the 1880 authenticated tribal roll of the Cherokee Nation.

It further appears that the said James W. King is embraced in a schedule of Cherokee-Shawnees, approved by the Secretary of the Interior on November 26, 1891, and also on the Census Roll of the Shawnee-Cherokees certified to on July 22, 1896 by the attorney for the Cherokee-Shawnees and the United States Special Indian Agent.

The evidence further shows that the said James W. King was lawfully married to Josie Kelcy on June 10, 1892, and that Rosa L. and Hallie D. King are the issue of said marriage. Rosa L. King is identified on the 1896 Census Roll of the Cherokee Nation, and Hallie D. King is identified by a birth affidavit on file with this Commission.

The evidence further shows that the said James W. King was born in the Cherokee Nation, and was taken to the state of Kansas by his mother about 1879 or 1880; that he remained in Kansas about two years, and was then brought back to the Cherokee Nation; that he again went to the state of Kansas about the year 1884 or 1885, where he remained until 1890, and then returned to the Cherokee Nation. It is further shown that from 1890 to 1893, he was in the state of Texas; that he returned to the Cherokee Nation in 1893, and has resided continuously therein since that time.

The evidence further shows that Rosa L. King was born in the state of Texas, and came with her father to the Cherokee Nation in 1893; that Hallie D. King was born in the Cherokee Nation, and that said children lived in said nation until February 1900 when they were taken by their mother to Oklahoma.

The said James W. King appears from the evidence to have been a resident of the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that James W. King, Rosa L. King and Hallie D. King should be enrolled as citizens of the Cherokee Nation of Shawnee blood in accordance with the provisions of section twenty-one of the Act of Congress,

[illegible]

[illegible] June 30, 1902 (32 Stat. 501), and is in no respect, [illegible] TO THE TRIBE [illegible]

SIGNED, Tonne Bladen
[illegible]

SIGNED, T. B. Needles.
[illegible]

SIGNED, C. R. Breckinridge.
[illegible]

Washington, Indian Territory,
Date, NOV 20 1902

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 8th 1902.

In the matter of the application of jamesW. King et al for enrollment as citizens of the Cherokee Nation of Shawnee blood.

C. D. 510.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision rendered by the Commission in this case on November 20th 1902 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The Cherokee Nation respectfully requests that the brief filed on part of the Nation in this case together with the record in the case of the applicants mother, being that of Catharine King, Cherokee D 513 be forwarded to the Honorable Secretary of the Interior for consideration in this case in as much as the testimony in the one tends to explain the testimony found in the other.

Respectfully submitted,

W W Hastings JCS

Attorney for the Cherokee Nation.

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.

Cherokee D 510.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of James W. King for the enrollment of himself and his two minor children, Rosa L. and Hallie D. King, as citizens of the Cherokee Nation of Shawnee blood.

You are 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,

Acting Chairman.

Enclosure H. No. 216.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-510

Muskogee, Indian Territory, January 19, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of James W. King for the enrollment of himself and his two minor children, Rosa L. and Hallie D. King, as citizens of the Cherokee Nation of Shawnee blood, together with the decision of the Commission dated November 20, 1902, granting said application, and the protest of the Cherokee Nation, against said decision, dated December 5, 1902.

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

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-510

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 21, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of James W. King for the enrollment of himself and his two minor children, Rosa L. and Hallie D. King, as citizens of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on April 8, 1903.

Respectfully,

Chairman.

D 510

IN THE MATTER OF THE APPLICATION OF

James M. King et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony, 10/3/00

B Memo. of application of 10/3/00.

C Supplementary testimony, May 20, 1901

D [illegible]

E Notice of final consideration, 9/18/02

F Order closing testimony, Feb. 28, 1902

Birth affidavit, Hallie D. King

Cher D 511

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3d, 1900.

In the matter of the application of Silas D. Bluejacket for the enrollment of himself, wife and children as citizens of the Cherokee Nation of Shawnee blood, said Bluejacket being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name, please? A Silas D. Bluejacket.
Q How old are you? A 44.
Q What is your post office? A Bluejacket.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself and five children. I have an orphan boy I am raising.
Q Any wife? A Yes, sir, I got a wife.
Q Are you Cherokee by blood? A Shawnee.
Q What is your wife? A White woman.
Q How long have you lived in the Cherokee Nation? A Since 1871.
Q What is your father's name? A Charles Bluejacket.
Q Is he dead or alive? A Dead.
Q Has he been dead more than 20 years? A No, not quite three years.
Q Your mother's name? A Julia.
Q Is she dead or alive? A She is dead.
Q How long has she been dead? A Litt/e over three years.
Q What is your wife's name? A Dottie.
Q How old is she? A 28.
Q When did you marry her? A About six weeks ago.
Q Give me the names of the children. A Bertie.
Q How old is he? A 14 years old.
Q Next one? A Bonnie.
Q How old is that child? A Guessing 13.
Q Next child? A Elsie.
Q How old is she? A Eleven.
Q Next child? A Oscar.
Q How old is that child? A Ten yearsold.
Q Next child? A Henry.
Q How old is that child? A Eight years old.
Q These children all living now, are they? A Yes, sir.
Q Now give me the name of the Orphan? A Mike Bluejacket.
Q How old is Mike? A 19 years old.
Q What is the name of his father? A Price Bluejacket.
Q Is he dead or alive? A Dead.
Q How long has he been dead? A Some 20 years.
Q What is the name of his mother? A Julia.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A I coult not hardly tell, since he was about two years old.
Q Your mother Cherokee? A Shawnee.
Q What is the name of the mother of these five children of yours? A Delila.
Q What washer maiden name? A Gullet.
Q Was she white woman or Cherokee? she was a white woman.
Q When did you marry her? 1884.
Q When did she die? A Six years ago last April.
Q Did she live with you from the time of her marriage until her death? A Yes, sir.
Q Were you ever married before? A Yes, sir.
Q Were y ou married more than three times? A Four times.
Q The was your second wife was she? A Yes, sir.
Q Have you a certificate of that marriage? A No, sir.
Q What was your first marriage, to whom? A Alta Phelps.
Q When did you marry her? A I think it was in 1861.
Q What was your third marriage? A Minnie Brashaw.
Q When did you marry her? A I forget what month it was, about four years age.
Q Is she alive or dead? A Alive.
Q How long did you live with her? A Only about six months.

Silas D. Bluejacket---2.

Q Were you divorced from her? A Yes, sir.
Q Have you a copy of the decree? A No, sir, ' haven't. I never get it; it is here.
Q Now, your second wife is the mother of all these children? A Yes, sir
Q You married her after the death of your first wife? A Yes, sir.

1880 enrollment; page 221, #159, Silas Bluejacket, Delaware.
1880 enrollment; page 65, #171, Julia " "
1880 enrollment; page 65, #170, Price Bluejacket, "
1896 enrollment; page 597, #10, Silas D. Bluejacket, Delaware.
1896 enrollment; page 597, #11, Bertie Bluejacket, Delaware.
1896 enrollment; page 597, #12, Bennie Bluejacket, Delaware.
1896 enrollment; page 597, #13, Eliza or Elsie M. "
1896 enrollment; page 597, #14, Oscar Bluejacket, Delaware.
1896 enrollment; page 597, #15, Henry Bluejacket, Delaware.
1896 enrollment; page 597, #16, Mike Bluejacket, Delaware.

Q Mike is living now is he? A Yes, sir.
Q Have you some one here who knew your wife Delila? A I do know anyone in the house.
Q She was a white woman? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, and five children: And for an Orphan child he has in chrage He is identified on the rolls of 1880 and 1896 as an adopted Shawnee. He has lived in the Cherokee Nation ever since 1874. His five children enumerated in the testimony are identified with him on the roll of 1896. They are all living at this time. The applicatn states that he married there mother in 1884, after the death of his previous wife, and she died some six years ago. She was a white woman. That woman was too late ~~mmbr~~ for her to appear upon the roll of 1880, and she died before the roll of 1896 was made. It is desired that he establish that marriage by personal testimony. The child Mike Bluejacket is identified on the roll of 1896. He is an orphan and his father and mother are both identified on the roll of 1880. This child is now alive. In order the prevent the multiplication of records, all of these applicants will, for the present, be placed upon a white card until the marriage of the applicant with his second wife, the mother of all of his children, is established.

As regards the applicant for the enrollment of his present wife: He is shown to have been married to her only two weeks ago, too late for her to be entitled to enrollment under the Cherokee law of 1895, and the application for her enrollment is rejevated.

---oooOOOooo---

J. D. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony andproceedings 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 8th day of October, 1900.

Commissioner.

D-511

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 9 1900

Tams Bixby

Supplementary Testimony.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5, 1900.

SILAS D. BLUEJACKET, being sworn, testified:

Q You want to give supplementary testimony to your application of yesterday? A Yes.

The applicant presents marriage certificate showing that he was united in marriage to Letta Keedy on the 19th of September, 1900, by the Rev. W. H. Kincaid. This is filed herewith.

MARCUS A. GULLET, being sworn, testified:

Q What is your name? A Marcus A. Gullet.
Q How old are you? A 43.
Q What is your postoffice? A Bluejacket.
Q How long have you lived in the Cherokee nation? A 18 years this winter.
Q Do you know Mr. Bluejacket here? A Yes.
Q Do you know his second wife? A Yes.
Q What was her name? A Gullet.
Q Any kin to you? A My own sister.
Q What was her given name? A Elijah.
Q Her married her after his first wife was dead, did he? A Yes.
Q She lived with him as his wife until she died? A Yes.
Q That was about how many years ago? A I don't remember.
Q About when were they married? A I think it was '83 or '84.
Q How these children that are in his name, how many has she left?
A Five.
Q Recognized as her children by him and as the children of that marriage? A Yes.

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

P. McDonald

Subscribed and sworn to before me this 5th day of October, 1900.

C. R. Breckinridge

Commissioner.

2051

MAR 0 1992

ACTING CHAIRMAN

D. 511.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of Silas D. Bluejacket for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit the 28th day of February, 1902, appears in person.

There is offered in evidence by the applicant a certificate signed by William P. Hayworth, a minister of the Gospel, certifying that he united Silas D. Bluejacket, a Cherokee citizen, and Delilah Gullett in Marriage on the 30th day of July, 1884. The same is filed herewith.

SILAS D. BLUEJACKET, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A Silas D. Bluejacket.
Q How old are you? A 44.
Q What is your postoffice address? A Bluejacket, I. T.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q Is there any further statement you desire to make relative to your enrollment? A No.
Q You submit the case to the Commission for final consideration?
A Yes, sir.

The applicant and the representatives of the Cherokee Nation present submit this case to the Commission. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

—::—::—::—::—::—

Arthur O. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur O. Croninger

Subscribed and sworn to before me this 28th day of February, 1902.

Commissioner.

Cherokee D 511

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

In the matter of the application for the enrollment of Silas D., Burtie, Bennie, Elsie, Oscar, Henry and Mike Bluejacket as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on October 3, 1900, Silas D. Bluejacket appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of himself and his five minor children, Burtie, Bennie, Elsie, Oscar and Henry Bluejacket, and a minor orphan boy, Mike Bluejacket, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on February 28, 1902. The other party to the application has been differently classified and is not embraced in this decision.

The evidence shows that the said Silas D. Bluejacket, and his minor children, Burtie, Bennie, Elsie, Oscar and Henry Bluejacket, and the minor child, Mike Bluejacket, are Shawnees by blood. The said Silas D. Bluejacket is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the Cherokee Census roll of 1896. His minor children herein applied for are identified on the 1896 Census roll of the Cherokee Nation. The evidence further shows that Silas D. Bluejacket was lawfully married to Delila Gullett, the mother of his above named minor children on July 30, 1884. The minor child, Mike Bluejacket, is identified on the 1896 Census roll of the Cherokee Nation, and his deceased father and mother are identified on the 1880 authenticated tribal roll of the Cherokee Nation as adopted Shawnees.

The evidence further shows that the said Silas D. Bluejacket has resided in the Cherokee Nation since 1871, and that all those for whom application is here made were residents of said Nation at the date of the application herein. It is considered that the residence of the minor children of Silas D. Bluejacket is that of their father. It is also considered that the residence of Mike Bluejacket is that of Silas D. Bluejacket as he states that he has raised him.

It is, therefore, the opinion of this Commission that Silas D. Bluejacket, Burtie Bluejacket, Bonnie Bluejacket, Elsie Bluejacket, Oscar Bluejacket, Henry Bluejacket, and Mike Bluejacket should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner

Commissioner.

Dated at Muskogee, I. T.,

this

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 511.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Silas D. Bluejacket for the enrollment of himself and his five minor children, Burtie, Bonnie, Elsie, Oscar and Henry Bluejacket, and a minor orphan boy, Mike Bluejacket, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 52.

IN THE MATTER OF THE APPLICATION OF

Silas D. Bluegeisen et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/3/00.
B. Memo. of application of 10/3/00.
C. Supplementary testimony 10/5/00
D. Notice of final consideration 2/28/02
E. Marriage cert.
F.
G.
H.
I. Certified copy, decree of divorce
J. Order closing testimony, Feb. 25, 1902

D. Gadsby No. R 873

Cher D 512

2572

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3, 1900.

In the matter of the application of Nellie Fields for enrollment as a citizen of the Cherokee Nation; said Fields being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Nellie Fields.
Q Your age? A 34.
Q What is your postoffice address? A Chetopah, Kans.
Q What district do you live in? A Cooweescoowee.
Q Are you a citizen of the Cherokee Nation? A Yes, by adoption.
Q For whom do you apply for enrollment? A Myself.
Q What is the name of your husband? A William Fields.
Q Is he a Cherokee citizen by blood? A Yes.
Q When were you married to him? A About 22 years ago.
Q Have you a certificate? A Yes.
Applicant presents certificate of marriage certifying that she was married in the State of Missouri to one William Fields, according to the laws of the state of Missouri, her maiden name being Nellie Fitzgerald, married on the 5th day of October, 1879.
Q How does it happen that your name is not on the roll of '80? A We moved out that time up in Cooweescoowee.
Q How long have you been living in the Cherokee Nation? A 30 years continuously-- never been out.
Q When did you part from your husband? A 10 years ago in October.

By W. W. Hastings:
Q Your husband enrolled here to-day? A Yes.
Q He was not on the '80 (roll) himself? A No sir.
Q When did you separate from him? A About 10 years ago.
Q Have you been married since? A No sir.
Q Was there any divorce? A Yes, he sued me for divorce.
Q And got it? A Yes.
Q In what court? A Delaware district.
Q What were the grounds in that divorce--what did he allege in that paper? A I don't know; I forget now. He wanted another woman and left me.
Q And then sued you for a divorce? A Yes.
Q Did you go to the Court-house? A Yes.
Q And had a lawyer? A Yes.
Q And fought the case? A Yes, a little -- he got the divorce.
Q In a Cherokee court? A Yes.
Q You have not been living with anybody yourself since? A No sir.
Q Are you on the '96 roll? A Yes.
Q Where were you living when this divorce was granted? A In Cooweescoowee district.
Q What was your postoffice? A Chetopah, Kansas.
Q How many children did you have? A Four.
Q He enrolled them to-day? A Yes.
Q Has he got possession of them? A No, only one; one is married and two are with me.
Q Have had them living with you all this time? A Yes.
Q You have raised them? A Yes.
Q How old are they? A One is 17 and one is 10.
Q He run off with another woman? A Yes, he left me and took another woman.
By the Commission:
Q Did he accuse you of being intimate with other men? A No sir.
Q What grounds did he have fordivorce? A Just because he wanted a another woman.
Q Who was your lawyer? A L. B. Bell.
By W. W. Hastings:
Q He had a child by another woman before he left you? A Yes.

Q Then he married that woman? A Yes, I guess so; I don't know.
Q Did he have a child by her before he left you? A Yes.
Q Have you any doubts about that marriage? A I don't know.
Q Did you hear he had married her afterwards? A I head he had and I heard he had not.
Q How long have you been here in town? A Since day-before yesterday.
Q Did you know he was enrolling these children? A Yes, he said they said I could not enroll these children, and he came and got my certificate and enrolled them.

Applicant on '96 roll, page 304, number 370.

The name of Nellie Fields appears upon the census roll of '96. She presents proof of marriage to one William Fields, a Cherokee citizen by blood in the year '79. Testimony shows that she separated from her husband. Having made satisfactory proof of her residence, final judgment as to her enrollment will be suspended, and her name will be placed upon a doubtful card awaiting the decision of the Commission as to the citizenship of the said William W. Fields, her husband, from whom she is now divorced, who is enrolled on D card 480. If the said William W. Fields is admitted to citizenship, the said applicant should also be admitted by intermarriage. And the said William W. Fields enrolled on D card ~~#480~~ two children, the children of the applicant, Nellie Fields. The names of said children should be removed from the D card 480 of William W. Fields and placed upon the card of Nellie Fields, the mother of said children, said children being Luella, aged 17 years, and Edward aged 9 years, they being now in the custody of their mother, she having card for them all their lives.

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

J W McDonald

Subscribed and sworn to before me this 4th day of October, 1900.

C H Breece

Commissioner.

W.W.Fields, (
Vs. ( Suit for a divorce.
Nellie Fields (

Withdrawn by Plaintiff at his cost and execution ordered to issue by the court. This 12th day of May 1890.

H.H.Trott,
Clk,C.D.C.N.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary, Cherokee Nation,do hereby certify that the above is a true copy , and all that can be found on Circuit Court records,in Docket from and inclusive,1888 to and including 1894,of records of Cooweescoowee District Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation this the 21st day o f February 1902.

B.W. Alberty
Assistant Executive secretary,
Cherokee Nation.

Supl.-C.D.#512.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of NELLIE FIELDS as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of Commission's letter and the applicant this day, to-wit: 28th day of February, 1902, appears in person and by her Agent, J. R. Sequichie.

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

Commission of Mr. Sequichie: Any statement you desire to make.

Mr. Sequichie: No statement except cross-reference. The evidence required is a copy of the decree of divorce from her husband, William W. Fields, and the said degree between herself and William W. Fields has been so filed in case D.480.

Commission: Do you submit the case now to the Commission?
Mr. Sequichie: A Yes, sir.

Commission: The applicant by her attorney, and the representative of the Cherokee Nation present submit this case to the Commission, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

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 March 1, 1902.

Commissioner.

File with case of Nellie Fields, C.D.#512.

(COPY)

In Delaware Circuit Court, regular Sept. Term, 1891.

Sept. 9th, 1891.

Court convened according to adjournment. Hon. Geo. Benge presiding.

Case of W. W. Fields vs. Nellie Fields for divorce & custody of the minor children viz: Mollie, Lue, Jessie and Edie Fields.

Both parties aanounces ready & defendant confesses judgment for divorce.

It is therefore ordered & adjudged by the Court that the divorce be granted as prayed for. And that the custody of the youngest child Eddie be given to the mother, Nellie Fields, and that the child Jessie be given unto the custody of the father, W. W. Fields, and that the other two children, Mollie Fields and Lue Fields be left to the custody of both parents with privilege of making their home alternately with each. And that the father, W.W. Fields is required to see after and provide for the education of the two said children, viz: Mollie & Lue Fields.

By agreement each party pays the witnesses they have brought or caused to be brought to court.

(Signed) G. W. Benge, Circuit Judge
Notary Judicial Circuit, C.N.

Attest:
J. L. Ward, Deputy Clerk, Delaware District, C. N.
(SEAL)

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly copied the decree of divorce between W. W. Fields and Nellie Fields filed in the case of William W. Fields, C.D.480, and that the above and foregoing is a true and corredt copy of the same.

J O Rosson

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

Commissioner.

3-Nellie Fields-

Q And in the Chickasaw Nation ever since then? A Yes sir, living right there on the place ever since he went out.

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

Subscribed and sworn to before me this 4th day of November, 1921.

Notary Public.

Cherokee D-512.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of Nellie Fields for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

Q What is your name? A Nellie Fields.
Q How old are you? A Thirty-six years old.
Q What is your postoffice? A Chetopa, Kansas.
Q Are you a white woman? A Yes sir.
Q You are an applicant to be enrolled as an intermarried Cherokee citizen? A Yes sir.
Q What is the name of the husband through whom you claim your citizenship? A He was named William Fields; we were separated.
Q Was he a Cherokee by blood? A Yes sir.
QWhen were you married to William Fields? A It has been about twenty-two years ago.
Q Was he the only husband you ever had? A Yes sir.
Q You are not on the 1880 roll? A No, we weren't on there, we missed that.
Q Were you living in the Cherokee Nation twenty-two years ago? A Yes sir.
Q Have you lived in the Cherokee Nation for the past twenty-two years? A Yes sir.
Q All the time? A Yes sir.
Q When did you separate from your husband, William Fields? A I think it was twelve years ago last October.
Q Did you leave him or he lese you? A He left me.
Q What was the trouble? A He liked some one else better and went off with them.
Q Did you ever have any trouble at home? A Not much, until he took a notion to go with another woman.
Q Did you give him cause to leave you? A No sir, I never did.
Q Did you behave yourself? A Yes sir.
Q Did you ever try to get him to live with you again? A Yes sir, I went after him a couple of times, but he wouldn't come back.
Q Did he marry this woman? A I don't know whether he did or not.
Q What was her name, this woman? A Ann Hadley.
Q Did he marry this woman? A No sir.
Q Have you married since this separation? A No sir.
J.C.Starr: Where were you living when this separation took place? A We were living in the nation.
Q Where abouts? A About seven miles from Chetopa, Kansas, in the territory.
Q Were you living on a farm? A Yes, we lived on a farm.
Q Who continued to occupy the farm after he left? A I stayed right there.
Q How long did you stay on that place? A I stayed there eversince we separated.
Q Are you living on the same place yet? A Yes sir; we have got children and I guess he has them on his roll.
The children are with me though; they stay with me all the time, two of them.
Q Did you have any divorce proceedings? A Yes, he sued me for divorce.
Q In what court? A In Delaware District.
Q In what year? A I nearly forget, it has been about eight years ago I guess.
Q Did he marry his second wife before he got that divorce or afterwards? A I don't know whether he ever married or not, I never heard it if he was.
Q You have been living single ever since he left? A Yes sir.

3-Willie Fields-

Q. Did in the Cherokee Nation west since Dawes? A. Yes sir, living right there on the place ever since he went off.

---

The undersigned being duly sworn, states that he stenographed to the foregoing in the Will Dividing Suits in the Cherokee Nation the testimony and proceedings in the case, and that the foregoing is a true and correct transcript of the testimony and proceedings in said cause.

B. G. Rutherford

Subscribed and sworn to before me this 4th day of November, 1909.

R. C. Jones
Notary Public.

Cherokee D - 518.

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

In the matter of the application of Nellie Fields for her enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 3, 1900, Nellie Fields appeared before the Commission at Vinita, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on February 28, and October 8, 1902. A copy of the testimony taken at Vinita, Indian Territory, on October 2, 1900, in the matter of the application of William W. Fields, et al. has been filed herewith and made a part of the record herein.

The evidence shows that the applicant, Nellie Fields, was lawfully married on October 5, 1879, to William Fields, a citizen by blood of the Cherokee Nation, and was divorced from him on September 9, 1891. She is identified on the Cherokee Census roll of 1896. There is no evidence tending to show that the applicant abandoned her husband, and she was not re-married since the divorce.

The evidence further shows that the said Nellie Fields has resided continuously in the Cherokee Nation for thirty years.

It is, therefore, the opinion of this Commission that Nellie Fields should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby.
Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory,

this DEC 10 1902

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. C. D. 512

Muskogee, I. T., Feb. 19, 1902.

R. W. Allerty, Esq.,
Tahlequah, I. T.

Dear Sir:

Please examine the records of Delaware District and send us a certified copy of the divorce proceedings between W. W. Fields and Nellie Fields, of 8 or 10 years ago. We want this to show the cause of divorce.

Yours truly,

J C Starr

This is the 3 time I have been written to for this. I wrote on bottom of first letter and sent you on Hastings. That the only thing I could find of this case was, when the case had been brought and withdrawn. I have gone over the docket from 1888 to 1897 and only find copy enclosed.

R. W. Allerty

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D. 512

Muskogee, I. T., Jan. 17, 1902.

Mr. B. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please examine the records of Cooweescoowee District and send a certified copy of the divorce proceedings between W. W. Fields and Nellie Fields, some 8 or 10 years ago. We want the proceedings to show the cause of ~~the~~ divorce.

Yours very truly,

W. W. Hastings

Atty. for the Cherokee Nation.

This case appears on the docket for May 1890 but shows to have been withdrawn by plaintiff W. W. Fields. It does not show again on the docket for Cooweescoowee Dist.

B. W. Alberty

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-512.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Nellie Fields for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in 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,

Acting Chairman.

Enc. H-256.

IN THE MATTER OF THE APPLICATION OF

Nellie Fields

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/3/00

B. Memo. of application of 10/3/00

C. Marriage Certificate

D. Notice of final consideration, 2/28/02

E. Order closing testimony, Feb. 28, 1902

F. Certified copies, decree of divorce.

Examined

See Jackson No 1484,

P 2/2,

Cher D 313

D 573



CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4, 1900.

In the matter of the application of Catherine King for enrollment as a citizen of the Cherokee nation, said King being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Catherine King.
Q Your age? A 46.
Q What is your postoffice address? A Kiamo.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q Whom do you want to enroll? A Myself. I was not here in '80; I was out, was out in '96.
Q Where did you live in '80? A In Kansas. Me and my husband parted and I tried to make a living here awhile and could not get along and moved to Kansas to my people to get them to help me support my child.
Q How long have you lived in Kansas? A 2 or 3 years. Brought my son back and left him and he could not get along here alone and I came back.
Q When did you come back the last time? A In '96.
Q Been living here ever since? A Yes.

By W. W. Hastings, Cherokee Attorney:
Q What year did you leave here in? A 78 or 79.
Q You went back to Kansas? A Yes, to my folks.
Q You lived in Kansas how long? A About 2 years and I brought my son and came back.
Q How long did you stay here when you came back? A Only a short time, two or three months.
Q Then went back? A Yes.
Q How long did you leave here then? A I was gone fourteen or five years.
Q You never had lived here until '96? A Yes, from the time I came down here.
Q After you left here in '78 or '79 you never lived here until '96?
A After you stayed in Kansas you went to Texas? A Yes.
Q And lived in Texas a long time? A Yes.
Q Have you ever married since? A Yes, my husband, I thought he was divorced and I got married.
Q Whom did you marry? A A white man by the name of William Price.
Q When? A About 10 years ago.
Q And you lived with him in Texas for six years? A Not for six years.
Q Where is he now? A Dead.
Q You lived with him until he died? A Yes, I have been here going on seven years back here.
Q You lived with that white man until he died and held him out as your husband? A Yes.
Application is on Cherokee-Shawnee pay-roll of '96, page 25, number 499, is Katherine King.
Q What was your father's name? A William Peckover.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Ellen.
Q Is she living? A No sir.
Q Was she a Shawnee? A No sir, white woman.
Q Father Shawnee? A No sir, white man.
Q Did you use a white Peckover? A Yes. I came here as an adopted Shawnee. My first husband was a Shawnee.
Q What was his name? A James William King.
Q When did he die? A He is living.
Q You afterwards married a white man? A Yes.
Q Did you get a divorce from King? A No sir, he married and I

thought he was divorced and I came back here and found out he never was divorced.

Q You lived with your husband? A Yes.

Q Lived with him after you came back here until he died? A Yes.

The name of Catherine King is found upon the Shawnee-Cherokee pay-roll of '96, but is it not found upon any other roll. Consequently final judgment in her case will be suspended and her name will be placed upon a doubtful card.

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

B McCormack

Subscribed and sworn to before me this 5th day of October, 1900.

C H Weir

Commissioner.

D 513

In re Catharine King
Cherokee Shawnee } Applicant for enrollment on
Cherokee Shawnee Roll

Before the Honorable Commission
to the Five Civilized Tribes
Muskogee I.T.

The applicant was a white woman by birth but was adopted by the Shawnee Chiefs and Council in Kansas.

The applicant was married in Kansas to James W King Sr, a Shawnee Indian by birth and blood and according to the laws and customs of the Shawnee tribe of Indians and the laws of Kansas.

The applicant Catharine King and her husband James W King moved to the Cherokee Nation prior to June 10, 1871 and are enrolled upon the Cherokee Shawnee Registered roll of that date.

A month after their arrival James W King Jr was born, Dec 5 1870. The applicant and her husband lived together as man and wife until 1879 and then separated, she moved to Kansas and Texas and returned at various times.

She has lived in the Cherokee Nation continually from 1896 to the present time.

Neither the applicant or her husband have been divorced, although both were married again.

The applicant's reputed husband is now dead.

Her reputed second marriage was caused by reports that her lawful husband James W. King Sr, had secured a divorce and of his second marriage.

The applicant Catharine King and James W King Jr are both enrolled upon the Dickson roll.

The Applicant Catharine, King by said adoption by the Chiefs and Council gave to her all the rights, privileges and immunities of a Native born Shawnee Indian, including the right of inheritance of the real and personal property of the deceased Shawnee Patentees and had a per capita share in all the tribal lands, funds and other common property and rights of the tribe.

The Applicant was a Cherokee Nation or a Shawnee Indian, and as such the Cherokee Nation accepted her.

Article 15. Treaty of July 19, 1866

Agreement June 9, 1869

The Cherokee Nation is barred from disputing her rights by the acceptance of all Registered Shawnees for over 31 years.

The marriage of the applicant and James W. Knight took place in the State of Kansas and on the Shawnee reserve lands, and not under the laws or jurisdiction of the Cherokee Nation.

Cherokee Laws. Article 16, Sec 659-669 does not and never did apply to the applicants marriage to her husband James W. Knight Sr.

Marriage of a white person to a Shawnee Indian gave them no rights of inheritance of property of a deceased wife or husband or children among the Shawnee patentees or rights to tribal property.

O'Brien v. Bugbee 46 Kansas 61.

Adoption by Chiefs and Council made them Shawnees with all the rights of Native Shawnees

Brown v. Reel 23 Kansas 672.

There was no law of forfeiture of adopted Shawnee Indians by marriage, to white persons or members of other tribes known to the Shawnees.

Evidence of Johnson Blackfeather and Thomas Dougherty.

The Shawnee tribe of Indians prior to June 10, 1871 were an independent tribe and owed no allegiance to the Cherokee Nation or the great State of Kansas

5 Wallace 737 Bluejacket V. Commissioners
23 Kansas 672 Brown V. Steel
46 Kansas 91 O'Brien V. Bugbee
Organic Act, Territory of Kansas
Act for the admission of Kansas
Treaty between the Shawnees and the United States, August 8, 1831. Article 10.
Agreement June 9, 1869 between the Shawnees and Cherokees

The Cherokee Nation never acquired any authority or jurisdiction over the laws, usages and customs of the Shawnee tribe of Indians and Council and their presumed authority is void.

The Applicant Catherine King and James W. King, Jr. are now the lawful wife and husband and the domicil of the husband is the domicil of the wife

| | | | |
|---|---|---|---|
| Bennett V. Bennett | Brady (US) | 299 | 305 |
| Barber V. Barber | 21 How (US) | 582 | 584 |
| Green V. Green | 11 Pick (Mass) | 410 | 415 |
| Hareston V. Hareston | 2 Mass | 404 | 422 |

The wife may have a seperate domicil in divorce proceedings only

During her residence in Kansas and Texas her domicil was with her husband in the Cherokee Nation.

Therefore, the applicant Catharine King has not violated Art. 1. Sec 2. Cherokee Constitution

The Applicant has been living continually since 1896 in the Cherokee Nation and does not come under the provisions of the Curtis Act

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

There is no evidence to show that the applicant "ever joined any other government."

Even if her marriage to William Price was not absolutely void, as a Shawnee Indian her rights would be protected under act of Congress ~~approved~~ 25 Stats at L 392, making her a citizen.

[signature]
Atty for applicant
Catharine King

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes

Muskogee I T. June 12, 1902.

In the matter of the applications of

Catherine King Cherokee D. 513,

James W. King et al Cherokee D 510,

for enrollment as citizens of the Cherokee Nation.

Brief on part of the Cherokee Nation.

The testimony in these cases show that Catherine King is a white woman, and that she came to the Cherokee Nation as the wife of James W. King Sr., in 1871 and because of her marriage to James W. King Sr., she is enrolled with the Shawnees who came to the Cherokee Nation at that time. Her son who is listed for enrollment on Cherokee Doubtful card number 510 claims to have been born a short time after their arrival in the Cherokee Nation in July 1871. In both of these cases the evidence with reference to residence is quite unsatisfactory; they claim to have lived here some five or six years and to have left the Cherokee Nation in 1878 or 1879 and went to Kansas where they remained a short time and came back through the Cherokee Nation and stopped temporarily; we next find them in the State of Texas. These two cases are briefed together because the testimony should be read together in order to see how much effort has been made to conceal the facts with reference to residence. Neither of their names appear upon the roll of 1880, both being absent at that time. Catherine King married a white man in the state of Texas and lived with him there as his wife and presumably her son must have lived with her in the state of Texas until the death of her second husband, she having separated from her first husband but a short time after their arrival in the Cherokee Nation. Her second husband was evidently a citizen of the state of Texas because he was never a citizen and resident of the Cherokee Nation and if he were a citizen of the state of Texas her citizenship became that of her husband and the citizenship of her son who was a minor at that time necessarily became that of his mother. We therefore conclude that they were all citizens of the state of Texas and if this inference be correct the very moment they became citizens of the

state of Texas they lost their citizenship in the Cherokee Nation because they could not be citizens of both governments at one and the same time. It is further in the evidence that Catherine King never lived in the Cherokee Nation from 1878 or 1879 until 1896; which was after the death of her second husband and it is also in evidence that her son James W. King married in the state of Texas where two of his children were born and we do not find him in the Cherokee Nation from 1878 until 1896 with the possible exception of a short time in 1890 or 1891 when he was here temporarily.

There are a number of contentions in this case, the first being that Catherine King is a white woman, she forfeited her citizenship in the Cherokee Nation by her marriage to her second husband a white man.

The next contention that we desire to specially urge is that these people resided without the limits of the Cherokee Nation for a period of about eighteen years from 1878 until 1896 and we again remark that the testimony taken in both cases should be read together in order to more fully understand the movements of both.. Both were married in the state of Texas, the husband of the first died there and the second had two children born there. The first must have become a citizen of the State of Texas because her husband was a citizen of that state. The second must have become a citizen of the state of Texas because he was a minor when he went there and his mother was a citizen of that state.

We do not believe the rolls of the Cherokee Nation should be too lightly set aside. The names of neither of these two parties appear upon the authenticated roll of 1880; they were not here at that time. Their names should not appear upon that roll and we insist that these people should have been readmitted to citizenship in the Cherokee Nation just as it would have been necessary for Cherokees by blood to have been readmitted after an absence for that period.

For these reasons we submit that neither are entitled to enrollment as citizens of the Cherokee Nation.

Respectfully submitted,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 31st, 1902.

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In the matter of the application of Catherine King for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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Supplemental to D-513.

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Cherokee Nation appears by W. W. Hastings.

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The Applicant, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name, please? A. My name is Johnson now.
Q. What is your first name? A. Kittie.
Q. Is your first name Catherine? A. Yes, sir.
Q. How old are you, Mrs. Johnson? A. 48 this last October.
Q. What is your post office? A. Ketchum.
Q. What is the name of your Cherokee husband? A. James King. He was Shawnee.
Q. He was a Cherokee citizen of Shawnee blood, was he?
A. Well, when I married him he was a Shawnee up in Kansas. I married him in Kansas.
Q. Did you come from Kansas with him at the time the Shawnees came?
A. Yes, sir.
Q. Does your name appear upon the register of those Shawnees who came to the Territory? A. Yes, sir; I was admitted by the Shawnee council.
Q. In Kansas, were you admitted? A. I don't know whether it was Kansas or here. I have proved that here.
Q. Is your husband King living? A. Yes, sir.
Q. Were you married before you were married to Mr. King?
A. No, sir.
Q. He is your first husband? A. Yes, sir.
Q. Was he ever married before you were married to him?
A. No, sir.
Q. You are his first wife? A. Yes, sir.
Q. How long did you live with Mr. King after your marriage?
A. I couldn't tell you just exactly. We lived together---we had three children.
Q. How long have you been separated? A. I couldn't tell you.
Q. About how long; how many years? A. Well, sir; I just couldn't tell you. My oldest son is--well, he was born in '71. He was about 7 or 8.
Q. You have been separated from Mr. King about 20 years, or over?
A. I expect so.
Q. Were you ever divorced from Mr. King? A. No, sir; never was.
Q. You say your name is Johnson now? A. Well, he married first, then I married, and neither one of us had a divorce.
Q. What is your present husband, Johnson's name?
A. William Johnson.
Q. Is he a white man or Cherokee? A. Well, he is a Cherokee but he failed to prove his right by not coming in here, or something. He is a Cherokee by blood.
Q. Are you and Johnson living together now? A. Yes, sir.
Q. When were you and Johnson married? A. A year ago last April.
Q. How long have you lived in the Cherokee Nation, Mrs. Johnson, or King? A. I have lived here off and on ever since I was 16 or 17, but I been out and in.

Q. How much of the time have you been out and how much of the time in? A. I expect about half.
Q. I believe you come here first in 1870 or 1871 with your husband when the other Shawnees came? A. Yes, sir; and I have always been with them.
Q. When you came here first how long did you stay in the Territory?
A. I stayed there until all the children was born; until my oldest child was about 7 or 8 years old.
Q. Stayed in the Territory 7 or 8 years? A. Yes, sir.
Q. Then where did you go? A. I took the children and went to my mother's in Chetopa.
Q. Chetopa, Kansas? A. Yes, sir.
Q. How long did you stay there? A. I couldn't tell you.
Q. Were you there as much as a year or more? A. I just can't remember.
Q. When you left Chetopa where did you go to? A. I come back to Vinita. I stayed there--my brother was on the section up there. I cooked for the section. I think it was section 66.
Q. How long did you stay in the Cherokee Nation before you went out? A. 6 or 7 months; but then we lived on the line of the coal bank on Russell Creek. I went with my brother.
Q. The coal banks, is that in the Cherokee Nation or Kansas?
A. Yes, sir; it is on Russell Creek.
Q. How long before you went to Kansas again? A. It is hard for me to tell all my whereabouts.
Q. How long have you been in the Cherokee Nation this last time?
A. Seven years last December.
Q. Where did you come from? [illegible]
Q. How long had you been in Texas? A. I had been there about 6 or 7 years; but I made two trips here.
Q. You had been in Texas 6 or 7 years? A. Since I was here to live. I left my little boy here and they sent for me to come back and take him.

Examination by Mr. Hastings.

Q. Where were you and John married? A. In Vinita.
Q. Who married you? A. A preacher down on Big Creek.
Q. Your husband went to town and get a license? A. Yes, sir.
Q. Have you lived with him ever since? A. Yes, sir.
Q. And are now? A. Yes, sir.
Q. He is not a recognized citizen of the Cherokee Nation?
A. No, sir.
Q. He is a citizen of the United States? A. I suppose so.
Q. You are a white woman yourself? A. Yes, sir. I come with the Shawnees.
Q. But, I say, you are a white woman? A. Yes, sir.

++++++++++++++++++++++++++++++++++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 10th day of December, 1902.

Notary Public.

Q. When where did you go? A. [illegible] and then come back here.

Q. When did you come back here? A. Seven years last December.

Q. With the exception of some time [illegible] you have been out of the Cherokee Nation nearly all the time [illegible] the last seven years?

A. Yes, sir. I been out[illegible] in.

Q. I say with the exception of the last seven years you have been outside of the Cherokee Nation nearly all the time since you first came down here? A. Yes, sir.

IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII

Jesse O. Carr, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of December, 1902.

Notary Public.

(Catherine King, D-813.)

October 31st, 1902.

The applicant, being recalled, testified as follows:
Examination by the Commission.

Q. Your name is Catherine King? A. That is the way it is there. That isn't it now.
Q. Well, Catherine Johnson? A. Yes, sir.
Q. It was King? A. Yes, sir.
Q. Your post office is Ketchum? A. Yes, sir.
Q. You came to the Cherokee Nation with the Shawnees?
A. Yes, sir; I came to the Cherokee Nation with the Shawnees.
Q. You are a white woman yourself? A. Yes, sir. I was married up there when I was married. Why I was married to a Shawnee. His father was a chief. His father was the one to help get the treaty for this land. He said that they had paid me just as much for my right as the right of any one. He wrote for me to come down here. He come ahead of me. He wrote for me to come down, I had as much right as he did; they paid just as much for myright as for his.
Q. When did you come down here? A. Why, I think it was in '70. When the Shawnees come. I can't remember. It was when the Shawnees come.
Q. How long did you stay here when you come in '70? A. Oh, I stayed there 7 or 8 years.
Q. 7 or 8 years? A. Yes, sir.
Q. When where did you go? A. Why, I went up in Kansas.
Q. How long did you stay in Kansas? A. Just a short time that time at my mothers.
Q. Where was that? A. Columbus.
Q. Where did you go to when you come back? A. Come back to Vinita.
Q. How long did you stay there that time? A. Well, I stayed there off and on for a year or more.
Q. When where did you go? A. Went to Kansas.
Q. What place? A. Chetopa.
Q. How long did you stay there? A. I stayed there two or three months.
Q. Then where did you go? A. Back to Vinita. My brother was working on the section--67 or 76.
Q. How long did you stay there? A. I don't know how long I stayed there. I stayed there and cook for my brother two or three months.
Q. Then where did you go? A. Went to the coal banks.
Q. Which side of the line? A. This side.
Q. Then where did you go? A. I went to Chetopa.
Q. How long did you remain in Kansas that time? A. I don't know; 5 or 6 months I guess. From there I went to Colorado.
Q. How long did you stay in Colorado? A. I guess I stayed there about 18 months.
Q. When where did you go? A. Then I come back to the Nation. I brought my boy back to the nation.
Q. How long did you stay at that time? A. 2 or 3 weeks. Then I went to New Mexico.
Q. How long did you stay there? A. I can't tell you.
Q. Well, yourbest judgment. A. I can't remember.
Q. 10 years? A. No, sir; it wasn't 10 years.
Q. Five? A. No, it wasn't five years. I think about two years.

Q. Then where did you go? A. Went to Texas and then came back here.
Q. When did you come back here? A. Seven years last December.
Q. With the exception of some three times you have been out of the Cherokee Nation nearly all the time except the last seven years?
A. Yes, sir. I been outside in.
Q. I say with the exception of the last seven years you have been outside of the Cherokee Nation nearly all the time since you first came down here? A. Yes, sir.

||||||||||||||||||||||||||||||||||||||||||||

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 12th day of December, 1902.

D. C. Jones
Notary Public.

Cherokee D 513.

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

In the matter of the application of Catherine King for enrollment as a citizen by adoption of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 4, 1900, Catherine King appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a citizen by adoption of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 15 and October 31, 1902.

The evidence shows that the applicant is a white woman; and that she is identified on the Shawnee Register containing the names of the members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation in accordance with the terms of an agreement made June 7, 1869, between the Shawnees and the Cherokees and approved June 9, 1869. It further appears that the applicant is identified on the Cherokee-Shawnee pay roll of 1896.

The evidence further shows that the applicant resided in the Cherokee Nation from 1871 to about 1879; that from that time up to about 1894 she seems to have had no settled domicil, but lived part of the time in the Cherokee Nation and part of the time in various states and in New Mexico; and that from 1894 up to and including June 28, 1898, she resided in the Cherokee Nation.

It is, therefore, the opinion of this Commission that the said Catherine King should be enrolled as a citizen by adoption of the Cherokee Nation, with all the privileges and immunities of a native citizen of said Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1903

Commissioner.

D E P A R T M E N T  O F  T H E  I N T E R I O R

Commission to the Five Civilized Tribes,

Muskogee I. T.

In the matter of the application for the enrollment of Catharine King as a citizen by adoption of the Cherokee nation.

Cherokee D. 513.

The Cherokee nation protests against the Decision of the Commission to the Five Civilized Tribes renderedin this caseon September 18, 1903 and asks that the record be forwarded to the Honorable secretary of the Interior for Review.

This applicant is a white woman and we believe that if she is entitled to enrollment at all she should be enrolled as a citizen by intermarriage.

In the second place she left the Cherokee nation from 1872 until ~~1877~~ 1894 and gave it up and we believe that while absent during this long period she so completely disconnected herself from the tribe that she lost her citizenship here.

Respectfully,

W W Hastings Jr

Attorney for the Cherokee Nation.

BEFORE THE COMMISSION TO THE )
) ss.
FIVE CIVILIZED TRIBES. )

Cherokee--D-513, )
Catherine King, Cherokee-Shawnee. )

MOTION TO RE-HEAR.

Comes Catherine King, claimant in the above entitled cause, by her attorney, S. S. Clover, and moves the Hon. Dawes Commition to the Five Civilized Tribes, sitting at Muskogee, to re-open this cause, that it may be reviewed and heard again, and for the grounds of same, assign the following reasons:

I.

This claimant was notified by Younr Honorable body to appear before you on the 28th day of February, 1902; but was not enabled to be in attendance for the reason that her attorney, S. S. Clover was absent from Vinita, was not aware of such notice.

II.

That she was unable to procure the necessary witnesses, because of her financial condition, having no money or means to procure money to defray her expenses and that of her witnesses for transportation to Muskogee.

III.

And for the further reason that she was sick with Neuralgia and Rheumatism on the 28th day of February, 1902; and for this reason could not have been in attendance.

IV.

Applicant expects to prove that she was legally and lawfully married in the State of Kansas, to James King, Sr., on the _____ day of _____ _ ___ 18____, according to the laws, usages and customs of the Shawnee Tribe of Indians, which were recognised by the Kansas Courts.

V.

She expects to prove that she became a member of the Shawnee Tribe of Indians, according to their laws, usages and customs, in the State of Kansas, prior to June 10, 1871.

VI.

That she and her husband became members of the Cherokee Tribe of Indians under Article 15, Treaty of July 19th, 1866. And they are both upon the Cherokee-Shawnee Register Roll, of June 10th, 1871, as follows:

"James King, 464,
"Katherine King, 465. "

VII.

She expects to prove that she is upon the Cherokee-Shawnee Roll, as made by James G. Dickson, No. 471, Catherine King, aged 42 years. And that she is upon the Cherokee-Shawnee Roll, as made under an Act of the Cherokee National Council, ~~by~~ Approved March 30th, 1898.

VIII.

She further states that this motion is made not for the purpose of delay, but for the sole purpose that the rights of this applicant may be established, and that justice be done. And ask that the Honorable Commission set as early a date as possible when the hearing can be had.

S. A. Blanc

Attorney for claimant.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 25, 1902.

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

Dear Sir:

You are hereby advised that the Commission has this day granted S. S. Clover of Vinita, Indian Territory, permission to appear at the office of the Commission at Muskogee, Indian Territory, on the 15 day of May, 1902, and introduce further testimony in the matter of the application of Catherine King for enrollment as a citizen of the Cherokee Nation.

This for your information.

Yours truly,

Commissioner in Charge.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-513

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Catherine King for the enrollment of herself as a citizen by adoption of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. D-17

IN THE MATTER OF THE APPLICATION OF

Katherine King

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/4/00

B Memo of application of 10/4/00

C Receipt for testimony

D Notice of final consideration 2/28/02

GRANTED

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 14 1905

E Order closing testimony Feb. 28, 1902

Concurred in and transferred

Cher D 514

D 314

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4, 1900.

In the matter of the application of Josie Belle Chanley for enrollment of herself and child as citizens of the Cherokee Nation, said Chanley being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Josie Belle Chanley.
Q What is your age? A 19.
Q What is your postoffice? A Afton.
Q What district do you live in? A Delaware.
Q Who do you want to enroll? A Myself and baby.
Q Are you married? A Yes.
Q What is your husband's name? A Arthur Chanler.
Q What is your father's name? A James Smith.
Q Is he living? A Yes.
Q What is his mother's name? A Eliza Smith.
Q Is she living? A Yes.
Q Is your name on the roll of '80? A No sir.
Q When were you married? A Two years ago the 9th of this month.
Q What is the name of your child? A Maggie.
Q Have you any proof of its birth made out? A No sir.
Q Have you always lived in the Cherokee nation? A Yes.
Q Was your husband ever married before? A No sir.
Applicant on '96 roll, page 527, number 2696, as Smith.

The name of Josie Belle Chanler is found upon the census roll of '96 under the name of Josie Belle Smith. She avers that she was married to Arthur Chanler in '98 and by him has one child, named Maggie. Testimony shows she is the daughter of one James M. Smith, and the record shows that his name has been enrolled on doubtful card 446, and she having made satisfactory proof of her residence, final judgment as to the enrollment as a citizen of Josie Belle Chanley will be suspended and her name will be placed upon a doubtful card. Reference is made to testimony taken in the case of her father, James M. Smith, on D card 446.

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

B McCormack

Subscribed and sworn to before me this 5th day of October, 1900.

C A Needles

Commissioner.

"R"

Cherokee D 514

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 27,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Josie B. Chanley for the enrollment of herself and children as Cherokee citizens.

Appearances:
Lumen F.Parker, Jr., of Hutchings, West and Parker, Vinita, I. T., attorneys for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902 that her case would be taken up by the Commission for final consideration on the 28th dayof February 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day towit on the 27th dayof February, 1902, appears before the Commission by her attorneys, Hutchings, Parker & West, of Vinita, I. T., and by agreement with the representative of the Cherokee Nation present this case is taken up this day for consideration.

It is directed that a copy of the testimony had in the matter of the application of the applicant's father, James M. Smith, number D-446, be filed with and made a part of the record in this case.

The attorney for the applicant and the representative of the Cherokee Nation present submit this case to the Commission, and same is ordered closed and reported to the Commission for final decision upon the evidence now of record.

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

---

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

M D Green

Subscribed and sworn to before me this February 28,1902.

Commissioner.

Cherokee D-514.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Josie B. Chanley for the enrollment of herself and minor children, Maggie Chanley and Gracie E. Chanley, as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 4, 1900, Josie B. Chanley appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and minor child, Maggie Chanley, as citizens by blood of the Cherokee Nation. Supplemental proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 27, 1902, wherein it was ordered that a copy of the testimony had in the matter of the application of James M. Smith, Cherokee D-446, be filed herein and made a part of the record in this case.

The evidence shows that the said Josie B. Chanley, whose full name is Josie Belle Chanley, nee Smith, was born in 1881, and is a Cherokee by blood. She avers that she was married to Arthur Chanley in 1898, and from this union the minor children included herein were born. The youngest child, Gracie E. Chanley, was born since the date of this application.

It appears from an examination of the records of the Cherokee Nation in possession of the Commission, that the said Josie B. Chanley, by her maiden name Smith, is identified as a native Cherokee on the following rolls of said Nation, viz:- the 1883 Census Roll, Delaware District, #1902; the 1886 pay roll, Delaware District, #1992; and the 1890 Census Roll, Delaware District, #3000. The evidence further shows that she is identified, also by her maiden name, on the 1896 Census Roll of said Nation as a native Cherokee. The said children are too young to appear on any of the tribal rolls of said Nation, but are identified by birth affidavits on file with the Commission.

It further appears that the said Josie B.Chanley has resided in the Cherokee Nation all her life, and the said children being minors are presumed to have resided with their parents.

It is therefore the opinion of this Commission that Josie B. Chanley and her minor children, Maggie Chanley and Gracie E. Chanley, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 20 1902.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 514.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Josie B. Chanley for the enrollment of herself and her two minor children, Maggie and Gracie E. Chanley, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 53.

"Decision"

IN THE MATTER OF THE APPLICATION OF

Josie B. Chanley et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/4/00.

B. Memo. of application of 10/4/00.

C. Birth Certificate, Maggie Chanley

Birth affidavit Maria Chanley

E. Notice of final consideration, 2/25/02

Request for testimony

Brief for applicants

Motion for test & order closing test 3/26/02

Original test from journal m.

See Chanley Docket #446

South Carr 4/26/02

Cher D 515

N 576

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1900.

In the matter of the application of Robert Ely Dry for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Dry being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Robert Ely Dry.
Q How old are you? A 23.
Q What is your post office? A Grove.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself, wife and one child.
Q Are you Cherokee by blood? A No, sir.
Q Is your wife a Cherokee? A Yes, sir.
Q Where is your marriage license and certificate? A I have not got any certificate.

The applicant presents a certificate from the Reverend Louis Kelly that he solemnized the ceremony between the applicant and Daisy Miller, a Cherokee citizen, August 29th, 1898. (Q That right? A Yes, sir.) This is filed herewith.

Q Where is your license; did not you get a license? A I got them but went them to the Minister and he did not give it back to me.
Q In what district were you married? A Delaware.
Q Have you lived with your wife ever since you married her in 1898?
A Yes, sir.
Q And all the time in the Cherokee Nation? A Yes, sir.
Q Your wife's name is Daisy Dry, that right? A Yes, sir.
Q How old is your wife? A 18 years old.
Q She born in the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir.
Q Give me the name of her father? A Robert Miller.
Q Is he dead or alive? A He is alive.
Q Give me the name of her mother? A Mary.
Q Is she dead or alive? A Alive.
Q Now give me the name of your child? (No response.)
Q Child is named Floyd A Dry, that right? A Yes, sir.
Q It will be a year old next November, that right? A Yes, sir.

1880 enrollment; page 236, #1740, Mary Miller, Delaware.
1896 enrollment; page 453, #974, Daisy Dry, Delaware.
1898 enrollment; page 589, #138, Robert E. Dry, Delaware.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and wife and one child: His wife is identifieden the rol of 1896 as a native Cherokee. She is too young to be upon the roll of 1880, but her mother is identified on that roll, and the applicant's wife will be listed now for enrollment as a Cherokee by blood. She has lived in the Cherokee Nation all her life. When the Commission is supplied with a certificate of the birth of the child, Floyd A. Dry, this child also will be listed for enrollment as a Cherokee by blood.

The applicant is shown by the certificate filed herewith to have been married to his wife in August, 1898. He is identified with her on the roll of 1896. He states that he has lived with her ever in the Cherokee Nation ever since they were married. He is not able to produce at this time his Cherokee license. At present he will be placed upon a doubtful card to await the production of his Cherokee license.

---oo0ooo---

J. O. Keesee, being first duly sworn, states that he 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 8th day of October, 1900.

Commissioner.

D. 518.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of Robert E. Dry for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 1p, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit the 28th day of February, 1902, appears in person.

J. C. STARR, being first duly sworn, testified as follows:

COMMISSION: What is your name? A J. C. Starr.
Q Where do you live? A Live at Vinita, Indian Territory.
Q Are you acquainted with the applicant in this case, Robert E. Dry? A Yes, sir.
Q How long have you known him? A Known him ever since 1895.
Q You know his wife? A Yes, sir.
Q Is she a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know when the applicant was married to her, about when?
A During the year 1895.
Q Do you know whether or not he procured a license from the tribal authorities of the Cherokee Nation? A No, sir, I don't.
Q Were you present at the marriage? A I was there after they were married, I was present at the dinner they had at the wedding.
Q Did you see the license under which he was married? A No, sir.
Q Do you know any of the persons who signed Mr. Dry's petition?
A Why I signed it myself.
Q You signed it yourself? A Yes, sir.
Q You know of any other persons that signed it? A I don't remember of any other.

MR. HASTINGS: That is all you know, that you signed his petition, and you was there on the same day after he was married and took dinner? A Yes, sir.

ROBERT MILLER, being duly sworn, testified as follows:

COMMISSION: What is your name? A Robert Miller.
Q How old are you? A 24 years.
Q Your postoffice address? A Grove, I. T.
Q Are you acquainted with the applicant in this case, Robert E. Dry? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Do you know when he was married to her? A Yes, sir, 1895.
Q What time in 1895? A The month of August.
Q Were you present at the ceremony? A Yes, sir.
Q Did you see the license under which they were married? A Yes, sir.
Q By whom was the license issued? A Issued by the Clerk.
Q Was he an official of the Cherokee Nation? A Yes, sir.

Q Of what district was he clerk? A Delaware.
Q Was the applicant married under a license issued by the tribal authorities? A Yes, sir.
Q Did you sign his petition? A Yes, sir.
Q You know of any other persons who signed that petition? A Don't believe that I can name over any of them; my father.
Q You are certain that he was married under a Cherokee license?
A Yes, sir.
Q Saw the license yourself? A Yes, sir.
Q Was the ceremony of marriage performed? A Yes, sir.
MR.HASTINGS: Were you a brother of the applicant's wife?
A Yes, sir.

ROBERT E. DRY, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A Robert E. Dry.
Q You are the applicant in this case? A Yes, sir.
Q Where do you live? A Fairland, Indian Territory.
Q What became of your marriage license and certificate? A Well, when I was married I turned them over to the preacher that married me.
Q What was his name? A Lewis Kelley.
Q What did he do with them? A I couldn't tell you.
Q Were they ever returned to you? A No, sir.
Q Did you ever have the records of the Cherokee Nation examined and see whether they had been recorded? A Yes, sir.
Q Did you apply to the authorities and try to find out whether this license was recorded? A Yes, sir.
Q What did they tell you? A They told me it wasn't on record.
Q Is there any further statement you desire to make relative to your application for enrollment? A No, sir, I believe not.
Q You submit the case to the Commission for final consideration?
A Yes, sir.

The applicant and the representatives of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

--:--:--:--

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings and testimony 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 February, 1908.

Commissioner.

Supl.-C.D.#513.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CATHERINE KING as a citizen of the Cherokee Nation:

The applicant and her attorney, S. S. Clover, Vinita, Indian Territory, were notified by registered letter February 12, 1902, that the application of Catherine King would be taken up for final consideration by the Commission on the 28th day of February, 1902, and that they would on said day be given an opportunity to introduce any further testimony affecting her application. The case has this day been called, to-wit; the 28th day of February, 1902, and the applicant failing to respond either in person or by attorney, it is directed that the same be closed and reported to the Commission for final decision based upon the evidence now of record.

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

Commissioner.

J.O.R.

D. 813.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15, 1902.

In the matter of the application of Catherine King for enrollment as a Cherokee citizen.

SUPPLEMENTAL TO D-813.

Applicant appears by S. S. Glover, Vinita, Indian Territory.
Cherokee Nation represented by J. C. Starr.

COMMISSION: On the 24th day of April, 1902, there was received by the Commission a motion to reopen the case of Catherine King, a claimant to citizenship in the Cherokee Nation, and the same having been set for this day, to wit the 15th day of May, 1902, the following proceedings were had.

THOMAS DAUGHERTY, being first duly sworn, testified as follows:

MR. GLOVER: Please state your name? A Thomas Daugherty.
Q Age? A 52.
Q Postoffice? A Vinita.
Q What position do you hold, Mr. Daugherty, in charge of the Cherokee-Shawnees? A Member of the Shawnee Business Committee.
Q Are you acquainted with the members of the Cherokee-Shawnees who come to the Cherokee Nation? A Yes, sir.
Q Are you acquainted with a woman named Catherine King, who was or purported to be the wife of James King? A Yes, sir.
Q Was she married to this James King or do you know? A Yes, sir, she was.
Q By James King did she have any children? A One that I know of.
Q What was the name of that child? A I think his name was James.
Q James Jr. you mean, do you? A Yes, sir, James Jr.
Q Now after you have studied very carefully, do you know of the matter of facts in regard to the marriages, divorces, deaths, births, and adoptions of the Shawnee tribe of Indians while they remained there in Kansas? A Yes, sir, as far as I know.
Q What constituted marriage between man and wife, whether he was a Shawnee or was a member of some other Indian tribe or foreign nation? A I don't catch the question at all.
Q Oh maybe I can put it this way: for instance, a man married a Shawnee citizen of the Shawnee tribe of Indians, was that marriage considered adopting him into the Nation? A No, sir.
Q Now if a person, a white man and woman, a foreigner or citizen of any other tribe married into the Shawnee tribe of Indians while they was up there in Kansas did that make them a citizen with all the rights, privileges, and immunities of a native Shawnee so that they had all the rights of inheritance and the rights to inherit tribal property? A No, sir.
Q Then how did that member of the Shawnee Tribe of Indians or that person who intermarried become a member of the tribe? A By the Shawnee Council, and she was adopted.
Q Well supposing these Shawnee tribe of Chiefs or authorities of the tribe refused to adopt them in, could he inherit his own wife's property? A No, sir.
Q Could he inherit his own child's property? A No.
Q Then he was outside of the tribe? A Yes, sir.
Q Then if the tribe adopted him I want to ask you what could he inherit, what rights he had? A How was that?
Q If he was adopted by the chiefs and council what rights could he inherit or what rights had he in the tribe? A Same as any Shawnee by blood.

Q Was there any law of the Shawnee Tribe of Indians that you know of or any custom that make marriage a legal point of admission into the Nation without adoption by the chiefs and council? A No, sir.
Q Now after a person's been adopted into the council I want to ask you again about that, what had they, the same rights? or what - just what they had, rights they had? A Same as any Shawnee.
Q And their children what? A Same as the Shawnees.
Q And their wives and children and everything? A Yes, sir.
Q Have you any law that you know of or you have read the books I presume of the Shawnee chiefs and councils, and do you know of any law, usage or custom that because a person was married into the tribe that they become a member of the tribe? A No, sir.
Q Then again do you know of any law, usage or custom of the Shawnee tribe of Indians that cut out a man, woman, child, or anybody else that ain't adopted? A No, sir.

COMMISSION: When did you first learn to know this woman? A Well I didn't know much about this woman until I came to the Cherokee Nation.
Q When did she come to the Cherokee Nation? A I think along about '71.
Q Where has she been living since that time? A Lived up in Kansas.
Q Been living in Kansas? A Yes, sir.
Q How long did she remain in the Cherokee Nation after she came here in '71? A That I don't know.
Q Do you know when she went back to Kansas? A No, I don't know that.
Q Is she living in Kansas now? A No, I think not.
Q How long has she been here in the Cherokee Nation the last time? A I don't know how long she has been here.
Q About how long? A Well I don't have any idea at all.
Q Are you intimately acquainted with her? A Oh not so very intimately acquainted; I know her when I see her.
Q When was the last time you saw her? A I saw her about a couple of weeks ago.
Q Where was she living then? A She lives out southeast of Vinita somewhere.
Q Do you know how long she's been living there? A No, I don't.
Q Have you any idea when she came back to the Cherokee Nation after she lived here in '71; have you any idea at all when she came back? A No.
Q You don't know how long she remained after she came in '71? A No, I don't know exactly.
Q What was this woman's husband's name, do you know? A James King.

It appears from the register of Shawnees who removed to and located in the Cherokee Nation in the year 1871 that the name of Catherine King is found opposite No. 485 on the said register.

MR. SEARS: When did you first become acquainted with Catherine King? A Well let me see, it was the first time I saw her I think it was about - I couldn't say exactly, somewhere along in the 70's.
Q Where was she when you saw her? A Why I think I saw her the first time that I ever saw her was at Thompson's store on the military road.
Q That in the Cherokee Nation? A Cherokee Nation, Delaware District.
Q Where was she married? A I think she was married in Kansas, I don't know positive.
Q Were you present at the wedding? A No, sir.
Q Do you know how long she lived in Texas? A No, I don't know that.
Q Do you know how long she lived in the Cherokee Nation the last time she returned? A No, I don't know when she came.

JOHNSON BLACKFEATHER, being first duly sworn, testified through sworn interpreter Thomas Daugherty, as follows:

MR. CLOVER: What is your name? A Johnson Blackfeather.

Q What is your age? A 64.
Q What is your postoffice? A Postoffice Vinita.
Q Are you a Shawnee Indian by blood and birth? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Ever since '70.
Q Did you know a James King, a Shawnee Indian, who was upon the register roll of 1871, and to whom when you first knew him down in the Nation was he married? A This woman Catherine King.
Q Was there some family disturbance between them? A Yes, sir.
Q Do you know, you have been a citizen for a long while and everything of the kind and living down in the neighborhood; do you know of James King and Catherine King having a divorce suit? A Didn't know.
Q Do you recollect of one thing, that whether Catherine King had any son by James King, Sr., the old man James, any child or any children? A Yes, sir, he knows.
Q Now what was the name of that child? A Same name, James King.
Q James King Jr.; now do you know where this wife, Catherine King, went to in 1872 or 1873 or any other year all clean up to the present time, and if she went any other place what time she come back? A Yes, sir, he knows.
Q Some quarrel or controversy occurred between her and her husband and she left home, is that true or not? A Yes, sir.
Q Well at the time that she left him did she take her little child, James King Jr.? A Yes, sir.
Q And after she had taken James King Jr. and ran away did she come back and give that child to James King's Jr. grandmother? A Well he said the child was there anyhow; didn't know anything about the giving part.
Q Now did you see and know of James King, Sr., and this Catherine King living together as man and wife or know of the fact or did they acknowledge to you that fact? A Seen them together as man and wife.
Q Well now I want to ask you what constitutes marriage between two members of the Shawnee tribe of Indians which took place up in the State of Kansas? A Well he says that they mutually agreed to live together and be known as man and wife.
Q Then what constitutes a marriage between a Shawnee Indian and a citizen of the United States or any foreign country or any other Indian Tribe, don't care what that is, between two members, you know, persons of the Shawnee tribe of Indians and a citizen of the United States or a Dutchman or a foreigner as the body says?

MR. STARR: The representatives of the Cherokee Nation object to the question for the reason that the attorney for the applicant has not shown that the witness is acquainted with the laws of Kansas that apply to this subject.

MR. CLOVER: Wait a minute; I will just state right there -

COMMISSION: All right, go ahead.

MR. CLOVER: Mr. Blackfeather, you have had experience and lived in Kansas and know about the laws, usages and customs of the Shawnee Tribe of Indians?

MR. STARR: Objected to because the question is leading.

COMMISSION: Answer the question.

MR. CLOVER: Do you know whether they was married according to the laws, usages and customs of the Shawnee tribe of Indians or according to any law, or did they acknowledge themselves to be married as husband and wife on any occasion or at any place or anything of the kind?

MR. STARR: Objected to because the question is leading.

COMMISSION: Answer the question.

A He says he really don't know how they was married, but he knowed them to be living as man and wife, had one child.

COMMISSION: Was he present when they were married or when they agreed to live together? A No.

Q Did he ever see them living together as man and wife? A He said

when they first come to the country he had a little house near him on his place; they lived there and they lived in the same house and had this child with them all the time, and lived together.
Q Was that in Kansas? A That was here in the Cherokee Nation.
Q Did he know them to live together as man and wife in the State of Kansas? A Yes, sir.
Q Were they generally recognized in the community as man and wife?
A Yes, sir, said they lived with Jim King's mother.
Q How long did they continue to live together? A He said from '68 or '9 they were living together and came down to the Cherokee Nation; they lived together in the Cherokee Nation about four years.

COMMISSION: It appears from the Shawnee Register that the name of James King appears opposite No. 464, and that the name of Catherine King appears opposite No. 465.

MR. CLOVER: Now Mr. Blackfeather, you have been a councilman before they come down here as I understand, and I understand also that of course you was chief, and that you was the chief of the Shawnees who commenced the suit against the Cherokee Nation, what time, about '88 or '90? Well, set the dates, it's in an act of Congress; was you the same party plaintiff between yourself and the chief of the Cherokee Nation? A Yes, sir.
Q Was that suit carried up to the Supreme Court of the United States? or what was done with it? A Didn't go to the Supreme Court.

COMMISSION: Does he know anything about the cause of this separation between the applicant and her husband, James King?
A He said he kind of hates to tell it; if it's necessary he will.
Q What is it; tell him to let us know whatever he knows about the separation, what the cause of it was? A He said that her husband - what separated them was her husband got a disease from his wife, and he thought that the woman must have been doing something outside or he wouldn't have had that.
Q Well did they go to live together again after the separation?
A No.

MR. CLOVER: Was there any divorce made by any Cherokee or United States Court or anything else between those two persons as far as he knows? A Not that he knows of.

MR. STARR: How long have you known Catherine King? A About '68 or '9.
Q Where did he first become acquainted with her? A In Kansas.
Q How far did he live from her in Kansas? A He said that he lived about ten miles, but at one time he lived right close to them, he said they moved from there and where he lived when he left there was about ten miles.
Q Are you acquainted with the laws and customs of the State of Kansas in a case where an Indian marries a white woman? A Yes, sir.
Q Are they required to secure a marriage license? A Indians?
Q No, Indians and whites? A Huh?
Q White woman marrying an Indian man? A He says it required a marriage, there is a law there in Kansas for white people up there, but there was Indians they just took up and agreed, that's the custom. You said law and custom didn't you?
Q I mean where a citizen of the State of Kansas marries an Indian are they required to obtain a license from the State of Kansas?
A Why he said in cases there was marriages according to the law there, law of Kansas.
Q Well how far did he live from Catherine King when she located in the Cherokee Nation? A He said as he stated before that they lived on his place when they first come to the country, about a quarter or a mile from him; that he had a house, and they lived there two years in that house.
Q And then where did they go to? A He said they went kind of northeast, if you know the country, lives where Marker lives in there, John T.

Q How long did they live there? A About two years.
Q Well where did she go to then? A That's where they separated, he said she went to Texas from there.
Q Where did James King go to? A You mean Senior?
Q Yes, sir, the husband of Catherine King? A He lives at the same place.
Q He continued to live at the same place and she went to Texas? A Yes, sir.
Q How long was shegone to Texas? A He said he couldn't exactly state how long she was gone to Texas.
Q Well how long did James King, Sr., continue to live at this place where she left him? A He lived there about one year after she left.
Q Where did he go then? A Why he went over to where his mother lived; that would be a little south, pretty near east from where Blackfeather lives now.
Q Ask him if he doesn't know that Catherine King lived in Texas from '87 until '94? A Why he says he didn't exactly know what year she went away, but he thinks that she did return in '94.
Q Did she marry a white man when she went to Texas? A Yes, sir.
COMMISSION: How does he know she married a white man? A Why he said he saw this man with this woman; they came to his house inquiring for James King.
MR. CLOVER: Did you know whether he was a white man or not? A He looked like a white man he said, everybody said he was a white man.

S. S. CLOVER, being first duly sworn, testified as follows:

COMMISSION: All right, state your name, age and postoffice address? A Well I am over 48 years old, and my name is S. S. Clover, and I am a resident of Vinita, Indian Territory.
Q You desire to make a statement relative to the application of Catherine King? A Yes, sir.
Q Proceed. A I desire to state that I never knew Catherine King or anything about her until her husband, James King, came before me in '88 when I was clerk for John W. Wallace, and he swore that he was not divorced against his wife, and give the history that James King, Jr. was his son, and she was the legal wife, and I refer exactly to the records that was put in there before the Dawes - or before the Secretary of the Interior on the Wallace Roll, and he was so registered. I never seen the woman at all till about '84. I know the time that I seen her the next time was at Afton and that she signed the pay-roll there on the Dixon Roll and drew money.
Q You state you never saw this woman prior to 1884? A Before 1884 I didn't.
Q How long did you continue to know her after that time? A Up to the present day.
Q Where was she living in 1884? A Same place down towards Ketchum-what's that other place down there?
Q What Nation was that in? A Cherokee Nation.
Q When did you next see her, what year? A 1886.
Q Where was she residing at that time? A Down there.
Q When did you see her the next time? A Seen her two years ago.
Q Do you know where she was residing from '86 up until two years ago? A I do not, she was there in '86 because I know that she was at Afton and know that she was paid and know that I seen her draw the pay.

MR. CLOVER: 85 Kansas, page 672:
"John D. Brown et al vs. Boston Steele et al.
Shawnee Law of Descents.
Nancy Bluejacket, alias Wah-na-ne, was a reservee and

patented under the treaty with the Shawnee Indians of May 10, 1854. She occupied the land patented to her in Wyandotte County until her death in 1878. She was never married, and her nearest blood relations at the time of her death were the plaintiffs, children of a deceased sister, and Mary Rogers, under whom the defendants claim, the daughter of a deceased brother. By the Kansas law of descents, plaintiffs and defendants would share equally in the property; but by the Shawnee law, as the father of the plaintiffs was a Wyandotte, while both parents of Mary Rogers were Shawnees, the latter inherited the whole to the exclusion of the plaintiffs. Her right to be so enrolled was also affirmed by a decision of the Shawnee Council. Held, that it appearing that the tribal organization was still recognized by the political department of the United States Government, under the decision of the Supreme Court of the United States in the case of the Kansas Indians, 5 Wall. 737, the descent is cast, not under the Kansas law, but in accordance with the Shawnee law and decisions."

MR. GLOVER: I also desire to present the syllabi of the Supreme Court of the State of Kansas; it's in Volume 48, page 1.

"John J. O. Bryan et al vs. Thomas Bugbee et al.

First: Ejectment. Title of Claimant. In an action in the nature of an ejectment the ~~tit~~ plaintiff must rely upon the strength of his own title and not upon the weakness of the title of the defendant who is in the actual possession of the real-estate.

Second. Indian Title. Descent of Real-estate. In 1860 under the tribal organization of the Shawnee Indians the descent of real-estate was cast in accordance with the custom and decision of that tribe.

Third. Evidence. Custom of Tribe. Where plaintiff relies upon title to real-estate alleged to be cast by descent upon his grantor in accordance with the custom and decision of an Indian tribe, he must establish the custom or decision of the tribe as to descent or distribution at the time of the death of the former owner from whom he claims his grantor inherited the property.

Fourth: Possession of Indian Lands. Ejectments, not maintained. Where plaintiff brings his action in the nature of an ejectment against the defendant in the actual possession of Indian land, properly patented to a member of the Shawnee tribe (now deceased) under the provision of the treaty between the United States and the Shawnee Indians, concluded on the 10th day of May, 1854, and the act of Congress of March 3, 1859, and such defendant claims color of title and possession under a deed from the chiefs of the tribe, approved by the Secretary of the Interior, the prior possession of such Indian land by the plaintiff is not sufficient for him to recover upon as against such a defendant, if such plaintiff fails to show any title or other possession on his part."

THOMAS DAUGHERTY, recalled:

COMMISSION: Were you acquainted with James King when he lived in the State of Kansas? A Yes, sir.

Q Were you acquainted with Catherine King? A No, sir.

Q When did you first learn to know her? A I think in this country, in the Cherokee Nation I think.

Q With whom was she living when you learned to know her? A Why I think that I saw her as I said at that store before that at

Thompson's store on the military road about two miles southeast of Blackfeather's.
Q Do you know who she was living with at that time? A She was living with Jim King.
Q Do you know that of your own knowledge? A Yes, sir.
Q Did you ever see them living together as man and wife? A No, I see them together.
Q Did James King recognize her as his wife? A Yes, sir.
Q Were they generally spoken of throughout the community as man and wife? A Yes, sir.
MR. STARR: Where were they living when they separated? A Why I don't know anything about the separation, don't know where they lived then.
Q Do you know where James King was living when he died? A He never died.
Q He is there yet? A Yes, sir, he's living ~~there~~ yet.
Q Do you know anything about her going to Texas? A Only by hearsay.
Q Do you know anything about her going to Kansas? A No.
Q You haven't seen her right along from the time she came to the Cherokee Nation up until this time, have you? A No, that's the only time that I remember, I seen her there when she come to the Cherokee Nation; when she left I don't know, no, sir.
Q Well you have just seen her a few times since '71? A Yes, sir.
MR. CLOVER: You knew her there in '76? A '76?
Q Yes. A Not '76.
Q No. I mean '96. A At Afton once.
COMMISSION: The attorney for the applicant will be granted fifteen days from the date hereof in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

---

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 16th day of May, 1902.

F. J. Kuster
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 30th, 1902.

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In the matter of the application of Robert E. Dry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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Supplemental to D-[illegible].

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ROBERT E. DRY, being duly sworn, testified as follows;--
Examination by the Commission.

Q. What is your name? A. Robert E. Dry.
Q. How old are you? A. I am about 28.
Q. What is your post office? A. Fairland.
Q. Are you a white man? A. Yes, sir.
Q. Are you claiming to right to be enrolled as a Cherokee citizen by intermarriage? A. Yes, sir.
Q. What is your wife's name? A. Daisy Miller, it was; Daisy Dry now.
Q. Is she the wife through whom you claim citizenship? A. Yes, sir.
Q. Is she living? A. Yes, sir.
Q. When were you married to her? A. In 1895, in AAugust.
Q. Under a Cherokee marriage li cense? A. Yes, sir.
Q. Have you and your wife been living together ever since you were married? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. Are you living together now? A. Yes, sir.
Q. And were living together on the first of last September?
A. Yes, sir.
Q. Have you lived in the Cherokee Nation ever since you were married? A. Yes, sir

IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 13th day of December, 1902.

B. C. Jones
Notary Public.

Cherokee D-515.

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

In the matter of the application for the enrollment of ROBERT ELY DRY as a citizen by intermarriage of the Cherokee Nation.

— o O o —

D E C I S I O N.

The record in this case shows that on October 4, 1900, Robert Ely Dry appeared before the Commission at Vinita, Indian Territory, and made application, among others, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 28, 1902, and again on September 30, 1902.

The other parties to the application are differently classified, and are not embraced in this decision.

The evidence in this case shows that Robert Ely Dry was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on August 29, 1896, to Daisy Miller, a citizen by blood of the Cherokee Nation, and who is identified on the Cherokee Strip Payment Roll of 1894, also on the Cherokee Census Roll of 1896. Robert Ely Dry is identified on the Cherokee Census Roll of 1896, and has lived with his said wife in the Cherokee Nation continuously from the date of his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Robert Ely Dry should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED James Bradley
Acting Chairman.

SIGNED T. B. Needles
Commissioner.

SIGNED C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this OCT 27 1902

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 513.

Muskogee, Indian Territory, October 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, granting the application of Robert Ely Dry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

C. R. Breckinridge

Acting Chairman. Commissioner in Charge.

Enclosure C. No. 126

D515

IN THE MATTER OF THE APPLICATION OF

Robert E. Lee

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/4/00.
B Memo. of application of 10/4/00.
C Notice of final consideration 7/28/02
D Supplemental testimony and order closing testimony, Feb 28, 1902.

Denied

See Index page 4113

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS
Penalty for private use, $300.

Cher D 516

Subscribed and sworn to before me this 8th day of October, 1900.

Donald Bateman.

Superintendent.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 8 1900

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 4, 1899.

In the matter of the application of George W. Franklin for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Franklin being sworn by Commissioner Needles, testified as follows:

Q What is your name? A George W. Franklin.
Q What is your age? A 64.
Q Your postoffice? A Vinita.
Q What district do you live in? A Ooweesoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood or intermarriage? A I am a Cherokee-Shawnee under agreement between the Cherokees and Shawnees of '69, but of white blood.
Q Who do you desire to enroll? A Myself, wife and minor children.
Q What is your wife's name? A Viranda.
Q What is her age? A About 43.
Q Is she a citizen by blood? A No sir.
Q When did you marry your present wife? A In '74.
Q What are the names of your children under 21 years of age living at home with you? A George W. Jr., 20 years old.
On '96 roll, page 342, number 181, as George W.
On Cherokee-Shawnee pay-roll of '96, page 16, number 324.
Q Next? A Hattie M., 19 years old.
On '96 roll, page 342, number 182.
On Cherokee-Shawnee pay-roll of '96, page 16, number 325.
Q Next? A Jessie M., 12 years old.
On '96 roll, page 342, number 183.
On Cherokee-Shawnee pay-roll of '96, page 16, number 326.
Q Next? A Basil W., 6 years old.
On Cherokee-Shawnee pay-roll of '96, number 16, page 327.
On '96 roll, page 342, number 184.
Q Are these children alive and living with you? A Yes.
Q How long have you lived in the Cherokee Nation? A I arrived in the Cherokee Nation on the 13th day of October, 1870, with my family and have been here ever since.— been living here ever since.
Applicant on '96 roll, page 342, number 176.
Applicant's wife on '96 roll, page 342, number 177.
Applicant on Cherokee-Shawnee pay-roll of '96, page 16, number 322.
Q You say you married in '74? A I married the first time in '57, and married my present wife in '74.
Q Is your present wife the mother of these children? A Yes, and they were all born in this country.

The names of George W. Franklin and his wife and children as enumerated in the testimony are found upon the census roll of '96. They are also found upon the pay-roll of the Shawnees in '96. Their names are not found upon the authenticated roll of '80. The records show that in the record of the register of names of the Shawnee tribe of Indians removed to and located in the Cherokee Nation in accordance with the 13th article of the Cherokee treaty with the U.S. proclaimed August 11, 1866, is found the name of George Franklin and Louisa, said Louisa being now deceased. The evidence shows that in the year '74 the said applicant, George W. Franklin, married a white woman named Viranda White, who is the mother of the children applied for. According to the laws of the Cherokee Nation providing that citizens who intermarry with white citizens, after death of their former wives, the wives admitted to citizenship shall receive no benefits or be regarded as citizens of the Cherokee Nation.

The said George W. Franklin and his wife, Virenda, are not enrolled on the authenticated roll of 1880, and are not recognized by the Cherokee Nation as citizens; in other words, the said George W. Franklin has married out. He avers, however, that he stands in the attitude of a Cherokee citizen of Shawnee blood, which averment is denied by the representatives of the Cherokee Nation; consequently final judgment as to the enrollment of the said George W. Franklin, his wife, and children, will be suspended, and their names placed upon a doubtful card.

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

B M Cowan

Subscribed and sworn to before me this 5th day of October, 1900.

C R Breckinridge

Commissioner.

D 576

Supplemental, - - D - 614

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1900.

In the matter of the application of George Franklin for the enrollment of himself and family as Cherokees;
Thomas Daugherty being sworn and examined by Commissioner Breckinridge testified as follows:

EXAMINED BY ATTORNEY MULLEN:

Q What is your name? A Thomas Daugherty.
Q To what Indian Tribe do you belong? A Shawnee.
Q What is your age? A About 51.
Q Do you know George Franklin who has applied to this Commission for enrollment? A Yes sir.
Q Is he the George Franklin whose name appears upon the roll of 772 Shawnees who immigrated to the Cherokee Nation? A Yes sir.
Q Under the agreement between the Shawnee Tribe of Indians and the Cherokees? A Yes sir.
Q When did you come to the Cherokee Nation, as a member of the Shawnee Tribe? A About 1870 or 1871.
Q Do you know when George Franklin came to the Cherokee Nation?
A I think he came about 1870.
Q Was he here when you came to the Cherokee Nation? A Yes sir.

STEPHEN BLUEJACKET, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give your name? A Stephen Bluejacket.
Q How old are you? A 62.
Q What is your post-office? A Vinita.
Examined by Attorney Mellette:
Q Are you acquainted with George Franklin who applied for the enrollment of himself and family on yesterday? A Yes sir.
Q Is he the George Franklin whose name appears upon the roll of 772 Shawnees who came to this country under the agreement with the Cherokees? A Same person.
Q When did George Franklin come to the Cherokee Nation? A Sometime in 1870. Came ahead of me; I came in 1871 and he was here when I came.

[illegible] 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.

[illegible]

Subscribed and sworn to before me this 5th day of October, 1900.

[illegible] Commissioner.

BY MR. MCLAUGHLIN:

Q Mr. Franklin, in the certified copy of your marriage license you filed in your case your residence is put down as Johnson County, Kansas; how did that happen? A Why when I went to marry up there my wife lived there and I courted her mostly by letter, and went up occasionally, and I went up there to marry and there was a friend of mine I asked to get up to Olathe Kansas and get the license, and he went and got the license , and he went on the 9th and got the license for me and I married on the 10th, and I just handed them over to the preacher and I never did see them any more and I never saw how they was written.

Q You was not living in Johnson County at that time? A No sir, I was not. I just came after the license and I never saw how he happened to have it put in that way; I never looked at them to see how they was written; I supposed they was all right, and I handed them to the preacher without examining them at all, and I married her the same day.

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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.

Subscribed and sworn to before me this February 27,1902.

Commissioner.

MAR 1 1902

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"H"

Cherokee D 314

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of George W. Franklin for the enrollment of his wife and children as Cherokee citizens.

Appearances:
Mr. Mellette, of Mellette & Smith, Vinita, I. T.' attorneys for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorneys were notified by registered letter February 11, that this case would be taken up by the Commission February 25,1902, for final consideration. The applicant this day appears by his attorneys Mellette & Smith, Vinita, I.T.

GEORGE W. FRANKLIN , being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A George W. Franklin.
Q What is your age? A Age is 65, nearly 66.
Q Where do you live? A Vinita, Indian Territory, Cherokee nation.
Q When did you move to the Cherokee Nation? A I moved in the fall of '70 in October.
Q Where did you come from? A Came from Shawnee Reserve, in Kansas, near the old Shawneetown.
Q How long had you lived on the Shawnee Reserve in Kansas before you came to the Indian Territory? A I came to the Shawnee Reserve in 1856, and from the fall of '56 until I left there it was my home all the time, only when I would go away and come back; I would probably be away six or eight months and come backagain.
Q When were you married to your present wife? A Married March 10, 1874.
Q Where were you living at the time you married her? A I was living on a place about a mile and a half from Vinita, on a place known now as Jim Till place.
Q Living in the Cherokee Nation? A Yes sir.
Q Since you came to the Cherokee Nation with the Shawnees in the fall of '70 have you ever lived outside of it? A I never have; been out and back but never was away any length of time.
Q Where were you married to your present wife? A I was married to her in Shawneetown, right where I used to live, the first station of the railroad going in there.
Q Where is that, in Kansas or the Indian Territory? A It is in Kansas, and it is about nine miles this side of Kansas City.
Q Where did you go from when you went to marry your wife, at that place? A I went from Vinita, from the place I then lived on.
Q Where is Vinita? A In the Cherokee nation.
Q Have you a license that was granted to you when you married your present wife? A Yes sir.
Q Please hand it to the Commissioner.
(Applicant produces papers.)

BY COMMISSION: There is offered in evidence a certified copy of the marriage license issued by G. F. Hendricksen Probate Judge, County of Johnson, State of Kansas, on the 9th day of March, 1874, authorizing the marriage of George W. Franklin to Veranda White, and a certificate shewing that they were married by D. G. Campbell, Minister of the Gospel, on the 10th day of March,1874. And same is filed herewith.
BY MR. MELLETTE:
Q When you married under this license where did you bring your wife? A I brought her that same evening that we was married to Vinita, Cherokee nation, and next morning I went out to my farm.

Q Where were your children born whom you have applied for here?
A They were all born in the Cherokee Nation.
BY MR. HASTINGS:
Q Mr. Franklin, you are a white man yourself? A I don't claim to be anything but white blood.
Q Your wife is a white woman? A Yes. She is a white woman; I never have disputed that.
Q Neither of your names appear upon the roll of 1880? A We were here, but it seems from what you say that they don't appear there; I thought they ought to appear on all the rolls.
Q They are not found on that roll. A That is what the attorneys say; I haven't had access to them, but I know we were living here at that time, because one of my children were born in '80, George.
Q You don't claim to have any Indian blood do you? A No sir.
Q Your wife don't claim it? A No sir.
Q And therefore there is no Indian blood in your children? A No sir.

C.C.CORNATZER, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
Q Whatis your name? A C.C.Cornatzer.
Q Where do you live? A Vinita, Indian Territory.
Q What is your age? A About 47.
Q Do you know the applicant, George W. Franklin? A Yes sir.
Q How long have you known him?A Ever since I could recollect.
Q Where did you first know him? A In Kansas.
Q Whereabouts in Kansas? A Johnson County.
Q What people live there? A Shawnee Indians.
Q What is called now the Shawnee Reservation? A Yes sir.
Q Are you a Shawnee Indian by blood? A Yes sir.
Q Citizen of the Cherokee nation are you? A Yes sir.
Q Do you remember where Mr. Franklin was living when he married his present wife? A He was living at Vinita, town of Vinita, Cherokee Nation.
Q How long had he been living at Vinita? A I couldn't tell you how long.
Q You know when he came from Kansas to the Cherokee Nation?
A Yes sir, he came from Kansas in '70; moved down.
Q Since he came here in '70 where has he lived? A Round about Vinita.
Q I mean what country has he lived in? A Cherokee Nation.
BY MR. HASTINGS:
Q He is a white man himself?A Yes sir.
Q His wife is a white woman? A Yes sir.
BY MR. MELLETTE:
I want to introduce two certificates of the nation as to the roll of Shawnees who came in '70 to the Cherokee Nation.
BY COMMISSION: The introduction of these certificates will be permitted, and copies thereof made part of the record and filed in this case.

The attorney for the applicant and the representative of the Cherokee Nation submit this case the Commission for final consideration and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests 15 days in which to file brief in this case and his request will be complied with and he will be required to file one copy with the Representatives of the Cherokee Nation and one copy with the Commission.

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SUPPLEMENTAL: of same date as above.
Applicant, George W. Franklin, re-called for further examination.

BY MR. MELLETTE:
Q Mr. Franklin, in the certified copy of your marriage license you filed in your case your residence is put down as Johnson County, Kansas; how did that happen? A Why when I went to marry up there my wife lived there and I courted her mostly by letter, and went up occasionally, and I went up there to marry and there was a friend of mine I asked to gmk go to Olathe Kansas and get the license, and he went and got the license , and he went on the 9th and got the license for me and I married on the 10th, and I just handed them over to the preacher and I never did see them any more and I never saw how they was written.
Q You was not living in Johnson County at that time? A No sir, I was not. I sent a man after the license and I don't know how he happened to have it put in that way; I never looked at them to see how they was written; I supposed they was all right, and I handed them to the preacher without examining them at al, and I married her the same day.

---

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 27,1902.

Commissioner.

Cherokee Doubtful
No 516

Geo W Trowbridge et al

Brief
Copy

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

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IN THE MATTER OF THE APPLICATION OF GEORGE W. FRANKLIN, FOR ENROLLMENT OF HIMSELF, WIFE AND CHILDREN AS CHEROKEE CITIZENS.

CHEROKEE COURTESY. # 516.

--:BRIEF.:--

The testimony in this case shows that the applicant is a registered Shawnee and located in the Cherokee Nation under and by virtue of the treaty between the Cherokees and Shawnees. It further shows that he married his present wife in 1874, in the state of Kansas, and that all his children who he applies for were born in the Cherokee Nation, and have lived here continuously since their birth.

The testimony further shows that the applicant, his wife and children applied for herein, are on the roll 1896, of the Cherokee Nation, and are also upon the Cherokee-Shawnee pay roll of 1896.

The testimony in this case showing that the applicant is a registered Shawnee, we submit that by reason of that fact he is a citizen of the Cherokee Nation by treaty, and neither he or his wife or his children can be deprived of that right.

There is incorporated in the testimony in this case the certificate of Lewis Ross, Chief of the Cherokee Nation, certifying that all those whose names appear upon the roll of 772 Shawnees are registered and received into the Cherokee Nation as citizens thereof. There is also incorporated in the testimony the certificate of Graham Logan, and Lewis Fisher, late chief and assistant chief of the Shawnee Tribe of Indians, dated Aug. the 3rd. 1871, certifying that said 772 names is a true copy of the register of the members of the Shawnee Tribe of Indians who moved to the Cherokee Nation under the treaty. These two certificates are attached to the roll of 772 Shawnees who located in the Cherokee Nation as above said.

The agreement between the Shawnees and Cherokees was concluded June the 7th, 1869, and provides in substance that the Shawnees re-

#2. G. W. Franklin.

iding in Kansas and elsewhere shall be received as citizens of the Cherokee Nation in consideration of certain funds being transferred by the Shawnees for the use and benefit of the Cherokee Nation. Said treaty in full, is to be found upon page 403, of the Laws of the Cherokee Nation, compiled in 1892. Said agreement provides, among other things as follows:

"And that the said Shawnees shall be incorporated into, and ever after remain a part of the Cherokee Nation, on equal terms in every respect and with all the privileges and immunities of native citizens of said Cherokee Nation; Provided, That all of said Shawnees who shall elect to avail themselves of the provisions of this agreement shall register their names and permanently locate in the Cherokee country as herein provided, within two years of the date hereof."

[illegible] the opinion that by reason of the fact that the applicants have [illegible] upon the roll of 77 Shawnees [illegible] registered and located in the Cherokee Nation under and by virtue of the treaty aforesaid, the Cherokee Nation is estopped from in any manner questioning the right of the applicant and that of his wife and children to citizenship in the Cherokee Nation. The certificate of Lewis Downing, Chief of the Cherokee Nation, declares George W. Franklin, to be a citizen, with all the rights of a native Cherokee.

We do not expect to enter into a discussion of the doctrine of estoppel, but we think this doctrine is most clearly applicable in this case.

"Estoppel is an admission or declaration which the law does not permit him who made it to deny or disprove for his own benefit and to the injury of another."

[illegible]

The certificate of the chief of the Cherokee Nation above referred to is in the nature of an estoppel in deed, bond or indenture, and [illegible] under the seal of the Cherokee Nation. Mr. Parsons, in his on Contracts Vol. 2, page 539, says:

"The general rule has, however, been asserted which certainly rests upon reason and justice. It is, that where a party has accepted and made his own the benefit of a contract, he has estopped himself from denying in the courts the validity of the instrument by which these benefits came to him."

As a matter of fact the Shawnees Indians bought their rights in the Cherokee Nation. By referring to the treaty above mentioned it

[illegible] Read in.

[illegible] the funds of the Creek Tribe [illegible] transferred to the Creek Tribe of Indians, and that the latter [illegible] now receiving the [illegible] of the funds thus acquired. We therefore say that the Cherokee Nation is entirely [illegible] the [illegible] of any [illegible] Indian to all the privileges [illegible] [illegible] citizenship. [illegible] to, [illegible] that they [illegible] such rights. [illegible] "[illegible]."

[illegible]

[illegible] giving [illegible] it [illegible] GI [illegible] the [illegible]

[illegible] the other nation [illegible] the [illegible] that [illegible] [illegible]

[illegible] that [illegible] citizens [illegible] [illegible] citizens. [illegible] the [illegible] of the Creek Tribe, [illegible] [illegible] part of the Creek Nation, [illegible] by the issue of a certificate [illegible] [illegible] upon the part of the [illegible] tion.

[illegible] was enrolled to the Cherokee Nation under the

treaty aforesaid, stand in the same attitude of the Delawares, who were also under agreement. The Supreme Court of the United States in case of the Cherokee Nation vs. Journeycake, a case wherein the rights of the Delawares in the Cherokee Nation were in controversy use the following language:

"If nothing were shown other than the language of the agreement, the conclusion would seem irresistable that the registered Delawares, that is those of the tribe who chose to remove from Kansas to the Indian Territory, were not only to become members of the Cherokee Nation but also to stand equal with the native Cherokees in all the rights springing out of citizenship in the Cherokee Nation; whatever rights the Cherokees had, the registered Delawares were to have, and it was an equality of rights to the living Delawares; but to guard against any misconception there was an express declaration that the children of the registered Delawares should in all respects be regarded as native born Cherokees. This last clause was of importance in the case of its additional rights to such children, but to prevent any question as to their inheritance of all the rights which their parents received under the agreement."

Book 29, L. ed. U.S. page 670.

In the case of the Cherokee Nation vs. Johnson Blackfeather, a case which came before the Supreme Court for the purpose of determining the status of the Delaware Indians, Book 39, L. Ed. U.S. page 126, the Supreme Court of the United States says:

"The rights of the petitioners are to be determined by this agreement in the light of Art. 2 of the treaty (meaning the treaty of 1866) between the Cherokee Nation and the United States. The principle difference between this contract and that made between the Cherokees and the Delawares, consists in the fact that in this there is no provision for the purchase of homes, or any payment of money thereof on account of the National Domain of the Cherokees; but nevertheless, there is the express stipulation that the said Shawnees and Delawares be incorporated into, and ever after remain a part of the Cherokee Nation, on equal terms in every respect and with all the privileges and immunities of native citizens of said Cherokee Nation. In the reason stated in the opinion in the former case (meaning the Delaware case) it must be held that this stipulation secured to the Shawnees equal rights with the native Cherokees in that which was the property of the Cherokee Nation, to wit: the reservation and the annuities, as well as all profits and proceeds thereof."

The plaintiff in this case stands before this Commission as a native Cherokee by treaty and by purchase, he paid for his right. He claims of "every grit" of the state consider citizenship upon any white man who may wish to marry, as well as native Cherokees. Also contends that half white people should also be citizens of the Cherokee Nation, the children of a native Cherokee who marries a non-citizen.

It is of interest and how it can be shown that a registered

[illegible]

[illegible] the [illegible] white blood, stands in a diferent attitude before [illegible] Commission than does a registered Shawnee of Shawnee blood. Each [illegible] are entitled to all the rights of native Cherokees, and the [illegible] children of this applicant, all of whom [illegible], are entitled to enrollment.

[illegible] in the case of the Cherokee [illegible], [illegible], [illegible] that the [illegible] Delawares [illegible] expressly [illegible] of the registered Delawares [illegible] be [illegible] Cherokees, but the Supreme Court [illegible]:

"[illegible] conditio[illegible] but [illegible] their [illegible] the [illegible]ment."

It [illegible] the Supreme Court of the [illegible] did not consider that it was necessary [illegible] to have [illegible] the agreement: that without it [illegible] of the registered Delawares would have been entitled to [illegible] native citizens. [illegible] it would seem that the [illegible] of the [illegible] States, were of the opinion that [illegible] registered Shawnees [illegible] to all the rights of native Cherokees. If the [illegible] entitled to these rights the [illegible] the applicant, a registered Shawnee, is also entitled [illegible] rights, [illegible] marriage was performed before the 16th, day of [illegible].

[illegible] that the Cherokee Nation makes no [illegible], to the [illegible] of a registered Shawnee of Shawnee blood, [illegible]. We fail to see where there can be any distinction between [illegible] Shawnees of white blood and one of Indian blood. We [illegible] the attention of this Commission to an act of the National Council of the Cherokee Nation, approved March [illegible],

and March the 30th, 1896, entitled an act to equalize the Per Capita shares of the Shawnee citizens of the Cherokee Nation, with the share and the Cherokees by blood. It seems that this act provided that a Commission should be selected to enroll the Shawnee Indians living in the Cherokee Nation. This Commission was selected, one by the Secretary of the Interior, one by the principle chief of the Cherokee Nation and one by the Shawnee Business Committee. We quote the following from that law:

"The said roll to contain the names only of such members of the Shawnee Tribe of Indians and their descendants as become citizens of the Cherokee Nation by occupation of the agreement between the Cherokee Nation and the Shawnee Indians, dated 9th day of June 1869, and who were living in the Cherokee Nation on May the 5th. 1894."

This act expressly recognized the registered Shawnees and their descendants. It attempts in the latter part thereof to limit the authority of that enrolling commission, but it is not clear as to what was intended by the different provisions. It provides that the roll to be made shall show the Shawnees who were citizens of the Cherokee Nation on April the 26th, 1889, now last the 26th. 1890 and May the 5th. 1894.

It is quite certain that those registered Shawnees and their descendants, who lived in the Cherokee Nation from the time they came there under the treaty until the present day, were citizens of the Cherokee Nation on the dates above specified.

The proviso last above mentioned does not say those who were recognized by the Cherokee Nation on the dates above specified, but it says that the roll shall include those who were citizens of the Cherokee Nation upon those dates.

It will be noted that the testimony in this case shows that the applicants herein, are on the Cherokee-Shawnee roll made in 1896 by the Commission above referred to, and that they received their money upon that roll. They are also on the Cherokee roll of 1896.

The contention of the Cherokee Nation is, that the applicant "married out" because he went up to the state of Kansas in the year 1874, from the Cherokee Nation, as shown by the testimony, and married

# [illegible] G. W. Franklin [illegible]

a white woman. We assume that this position is not well taken.

The applicant in this case does not stand in the attitude of a white person who married a Cherokee Indian under the laws of the Cherokee Nation, and thereby acquired citizenship therein. Art. 26 [illegible] 27, of the Consolidated Laws of the Cherokee Nation, [illegible], providing for adoption of white persons into the Cherokee Nation [illegible] Section 666 of the Article [illegible] as follows:

"[illegible] citizen of the United States [illegible] citizen of the Cherokee [illegible] leave a widow or widower by the decree of the [illegible] or survived, [illegible] leaving widow or widower [illegible] the rights of citizenship [illegible] a person [illegible] no right of Cherokee citizenship [illegible] such person has or who [illegible] or upon [illegible] such person."

[illegible] the [illegible] attitude of the Cherokee Nation [illegible] "carried out" [illegible] not, [illegible] lost the right to citizenship. [illegible] only that [illegible] "married in". The applicant, [illegible] a citizen of the Cherokee Nation by [illegible] does not stand in the attitude of a white person [illegible] above referred to, [illegible] the laws applicable to him.

[illegible] Franklin, right [illegible] purchase, and he has not lost his [illegible] full blood Cherokee. He could [illegible] it.

[illegible] to Sec. 16, [illegible], [illegible] of the Cherokee Nation, which provides, that even a white [illegible] by [illegible] the Cherokee Nation [illegible] or citizens [illegible] or forfeiture of [illegible] citizenship by the circuit courts of the Cherokee Nation, [illegible] will have been deemed to have lost their rights. [illegible] applicant, George W. Franklin, was a citizen by

J. A. G. P. Franklin.

intermarriage he could not lose his rights until a forfeiture was declared under the law last referred to.

We respectfully submit that under section 28 of the act of Congress known as the Curtis Bill, this Commission has jurisdiction to hear the application of those persons applying for enrollment herein, and that they are entitled to enrollment as Cherokee citizens.

Attorney's for Applicants.

Supplemental.

Referring again to the act of the National Council approved Mar. 30th. 1896, we call attention to that portion of it wherein it is provided that the roll to be made shall show the Shawnees who were citizens of the Cherokee Nation on April 26th. 1886, November the 26th. 1890 and May the 5th. 1894.

The object of the language of this act is very clear when we come to consider certain legislation of the Cherokee Nation which took place in the year 1886, on the 27th. of April, and that year the Cherokee Nation passed what is known as the Blood Bill, to be found upon page 370, Compiled Laws of the Cherokee Nation, 1892. The Council of the Cherokee Nation in this act constitute what is meant by the clause, "All the rights of native Cherokees," and in that act it is declared that neither the Shawnees, Delawares or the Freedmen have other than civil, political and personal rights in the Cherokee Nation and that they have no right to the public domain or the proceeds thereof. Few, if any, of the Shawnees and Delawares appear by name upon any of the pay rolls of the Cherokee Nation after the date of this bill. They do not appear upon the roll of '86, the roll of '94 which was purely a blood roll, or the roll of 1890.

It was the passage of this act by the Cherokee National Council declaring that the Shawnees, Delawares and Freedmen were not inter-

vested in the public domain of the Cherokee Nation or the proceeds thereof, which give rise to the litigation, as shown in the cases of Cherokee Nation vs. Blackfeather, and Cherokee Nation vs. Journeycake, decided in the Supreme Court of the United States, and above referred to.

From the date of the act of the Cherokee Council aforesaid, the Cherokees took the position that no Delaware, Shawnee or Freedman was entitled to a Per Capita share in the ~~or admission by~~ claim of the Cherokee Nation, and that is the reason their names or many of them, are not found upon the rolls made after that date.

We desire also to call special attention in this case to the case of F. R. Robinson vs. Choctaw Nation, decided by Judge Clayton, Judge of the Central District of the Indian Territory. Said decision to be found upon page 134, of the 8th annual report of the Commission to the Five Civilized Tribes.

The treaty of 1866 between the Choctaw and Chickasaw Nations and the United States, contains the following provision:

Art. 28.

"Every white person who having married a Choctaw or Chickasaw residing in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said Nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicil and to prosecution and trial before their tribunals and to punishment according to their law in all respects, as though he was a native Choctaw or Chickasaw."

After the adoption of this treaty in 1866, the Choctaw Nation passed statutes regulating the marriage of a white man with an indian woman etc., and providing that if a white man lost his indian wife and thereafter married a white woman he lost his citizenship.

The question before Judge Clayton, was as to the status of a white man who had married an indian woman who died, the man afterward marrying a non-citizen. The court holds that the white man having by the 28th, Art. of the treaty above quoted, been granted all the rights of native Choctaws or Chickasaws, it would be an infringement of those rights for him to be declared incapable of marrying whom he pleased and conveying to his wife and the children of the second marriage all the rights of native Indians. We quote from the decision

lo, Franklin.

of Judge Clayton, as follows:

"The treaty makes every white man who may marry a Choctaw or Chickasaw woman a citizen, to use the language of the last words of article 28, above set out, "in all respects as though he was a native article Choctaw or Chickasaw." By this provision of the treaty there is to be no difference between a citizen by virtue of his marriage and a native Choctaw. They are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens. Any act therefore, of the Choctaw Council passed after the ratification of the treaty which makes a distinction between them, granting to one greater privileges or rights, or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not as to the other, would be in violation of this provision of the treaty and therefore void. An act which puts the white man in any respect in a different attitude or condition than the Indian is void.

The Choctaw statute undertakes to deprive the white man who shall lose his Indian wife and afterwards marry a white woman of all the rights of citizenship. The marriage had vested a title to the lands in him. This is to be divested from him and he is thereafter to be considered an intruder, subject to be removed from the country under the intercourse laws of the United States. This, too, notwithstanding the fact that his children, the issue of his Indian marriage, are Indians by blood and entitled to remain.

Now, unless a marriage of a native Indian to a white woman, after an Indian wife shall have died has the same effect on him --- that is decitizenizes him, divests him of all title to the Choctaw lands, and deprives him of the right to live in the country---the statute works an inequality, and the white man does not enjoy the same privileges as the native Indian. The citizenship is different, and the rights flowing therefrom is not the same. The one may do an act that the other can not do; the one has a privilege, that of marrying a white woman, that the other does not enjoy. The important right of unrestricted selection of a wife enjoyed by the native Indian is denied the white citizen by marriage; and therefore, the provisions of the statute being in conflict with the treaty, are absolutely void; and it makes no difference whether the first marriage was before or after the enactment of the statute. Of course the latter marriage must be in accordance with the laws of the Choctaw Nation.

I therefore find that the claimant is entitled to be enrolled. I hold also that the offspring of such a marriage would be entitled to be enrolled; the father being a lawful citizen, his children would follow his citizenship, and by inheritance take any property rights he may have acquired thereby."

Of course the treaty of 1866, between the Choctaws and the United States, and that between the Cherokees and the United States, differ in many particulars, but that is of no consequence when considering the above decision and its effect when applied to the facts in this case. The question decided by Judge Clayton, was, that when a treaty provision provided that a white man should have all the rights of a Native Indian it meant what it said, and any curtailment of these rights was a violation of the treaty.

It would be difficult to find a decision more clearly applicable than the one above quoted. The treaty between the Shawnees and

11. F. Franklin, Appl.

Cherokees provides, that the registered Shawnees shall have all the rights of native Cherokees, and under the decision of Judge Clayton, it would extend to the wife and children of any registered Shawnee, even though the registered Shawnee was a white man. We think the reasoning in the above decision can not be questioned. It seems the only conclusion which could have been reached in that case and a like conclusion it seems to me must be reached in this.

Respectfully submitted.

Attorney's for Applicants.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. May 8th 1902.

In the matter of the application of George W. Franklin et al for enrollment as citizens of the Cherokee Nation of Shawnee Blood.

Cherokee D. 516.

Brief on part of the Cherokee Nation.

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The testimony in this case shows that George W. Franklin, the applicant , the applicant is a white man with no trace of Indian blood coursing through his veins; that prior to 1870 in the state of Kansas he became identified with the Shawnees through his marriage to a shawnee woman just as a white man prior to December 16th 1895 who married a Cherokee by blood became a citizen of the Cherokee Nation and the said George W. Franklin with his Shawnee family came to the Cherokee Nation with the Shawnees under the agreement made with the Cherokee Nation. His first wife died and in 1874, the testimony shows, he returned to the state of Kansas and married a white woman and this application is made for himself, his second wife who is a white woman, and their children.

It is admitted that there is no trace of Indian blood of any kind either Shawnee or Cherokee in any of these applicants but it is contended that because of the fact that the name of George W. Franklin appears upon the list of Shawnees who removed to the Cherokee Nation that therefore he and his descendants are entitled to enrollment as citizens of the Cherokee Nation.

To show how George W. Franklin was regarded he was refused enrollment when the 1880 roll was made because prior to that time he had married a white woman and therefore it was determined by the National Council

the the sole Judge of who were citizens of the Cherokee Nation that he had forfeited whatever rights to citizenship he may have had prior to that time under section 666, Compiled Laws of the Cherokee Nation. This roll of 1880 was confirmed by an act of Congress which gives this commission jurisdiction and the Cherokee Nation desires to insist that the Commission has no more jurisdiction or authority to go behind this roll and enroll a person whose name does not appear thereon than to refuse the enrollment of a person whose name appears upon said roll.

Congress contemplated that there should be some roll confirmed that should be used as a basis and behing which the commission was not authorized to go; and we contend that the determination by the Cherokee Nation of the fact that this man had forfeited his rights to citizenship in the Cherokee Nation is as final and binding as a judgment of our court or a judgment of any other court having jurisdiction of the subject matter. This man lays to claim to Indian blood, he is a white man pure and simple and his wife is a white woman and how it can be contended in the first place that he is entitled to enrollment is not seen by the Cherokee Nation. It is true he came to the Cherokee Nation as an intermarried Shawnee citizen; he then had the same rights as a Cherokee by blood, so had any other intermarried white man in the Cherokee Nation at that time but the Cherokee law never contemplated that the man should retain his rights of citizenship in the Cherokee Nation after the death of his Indian wife in the event of his subsequent marriage to a white woman and thereby conferring citizenship upon her and giving citizenship to their off spring with no trace of Indian blood in them. Section 666 is as old as the intermarriage law and from the very earliest time it is seen that the Cherokees attempted in the most guarded language to protect themselves against just such a contingency as presents itself in this case.

The second question which arises if this man is a white man and if it is adjudged that he is entitled to be enrolled should it carry with it the enrollment of his wife and his children who are admittedly white people.

The argument that this man had a vested right in this country is completely refuted by the decision of the supreme court in the Stephens case and the right of the Cherokee Nation to determine this mans status in

1890 as decided in the Reff case appealed from the Chickasaw Nation where the Supreme Court of the United States decided that the nation having the authority to confer citizenship also had the authority to take it away. We insist that this man not being of Shawnee blood, having acquired his rights in the Cherokee Nation by his intermarriage with a Shawnee and having violated the plain provisions of the Cherokee law by his subsequent marriage with a white woman that neither he nor his wife or children are entitled to citizenship in the Cherokee Nation.

Respectfully submitted,

W W Hastings JCS

J. C. S.

Attorney for the Cherokee Nation.

D576

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 24 1902
ACTING CHAIRMAN

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Supp'l to D 516

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 16, 1902.

In the matter of the application of GEORGE W. FRANKLIN, for the enrollment of himself and his children, GEORGE W. JR., HATTIE M., JESSIE M., and BASIL W. FRANKLIN, as citizens of the Cherokee Nation, of Shawnee blood, and for the enrollment of his wife, VERANDA FRANKLIN, as a citizen by intermarriage of the Cherokee Nation:

GEORGE W. FRANKLIN, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A George W. Franklin.
Q How old are you ? A Sixty six.
Q What is your post office address ? A Vinita, I. T.
Q You are claiming your right to be enrolled as an adopted Shawnee?
A I claim to have been adopted under the provisions of the treaty with the Cherokees.
Q Are you on the Shawnee register ? A Yes sir.
Q When did you come to the Cherokee Nation ? A In 1870.
Q Have you been living in the Cherokee Nation ever since that time ? A Ever since that time, and have never been out but a very short time.
Q Your name is not on the roll of 1880. A They tell me it is not, when I was here before, but it ought to be.
Q Do you know any reason why it is not ?
A Not unless the Cherokees failed to put it there. I guess they did. I supposed it was there, but they tell me they can't find it there.
Q What is your wife's name ? A Veranda.
Q How old is she ? A She's forty five.
Q Is she a white woman ? A Yes sir.
Q When were you married to her ? A In 1874.
Q Is she your first wife ? A No sir, I was married to a Shawnee woman.
Q You got your rights by marrying a Shawnee woman ?
A I got my rights, they claim, by adoption. I was married. They afterwards adopted me, and made me the same as a Shawnee.
Q Did they give you an adoption certificate ? A Yes sir.
Q Was your first wife dead when you married Veranda ?
A Yes sir, she died in 1872.
Q Now, had Veranda ever been married before she married you ?
A No sir, she was only seventeen years old.
Q Have you and Veranda been living together ever since you were married ? A Yes sir.
Q Never been separated ? A No sir.
Q Living together all that time in the Cherokee Nation ?
A Yes sir.
Q Have you any children by your first wife ? A Yes sir.
Q Living ? A Yes sir.
Q Have they enrolled themselves ? A Yes sir.
Q How many children did you have by Veranda ?
A Five living and some dead.
Q What is the oldest one's name ? A Living?
Q Yes sir. A Dora.
Q She has enrolled herself ? A Yes sir. She's of age.
Q You have got four living at home with you ?
A She's living at home with me also, but she's of age, and has married since.
Q George W. A He's single, but Hattie is married to a man named Lewis Martin.

Q These children have lived in the Cherokee Nation all their lives ? A They were born and raised in the Cherokee Nation and have never been out but a short time.
Q What is Hattie's name ? A Hattie E.

The Commission: Upon an examination of the register of those who moved to the Cherokee Nation under the terms of the treaty between the Shawnee tribe of Indians and the Cherokee Nation, on the 9th day of June, 1869, shows the name of this applicant, George Franklin, thereon as George Franklin, # 341.

Examined by J. C. Starr:

Q Mr. Franklin, you are a white man ? A I am white blood, but was made a Shawnee through adoption.
Q Your present wife is a white woman ? A Yes sir, I have never denied that. I call myself a white Shawnee, under the treaty of 1869, and go under the head of a family.

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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 November 20, 1902.

B O Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George F. Franklin, et al., for enrollment as citizens of the Cherokee Nation, consolidating the applications of:

| | | |
|---|---|---|
| George F. Franklin et al | Cherokee | D 516 |
| Dora H. Franklin | " | D 523 |
| Rebecca E. Viner | " | D 527 |

D E C I S I O N.

The record in these several cases shows that the following named applicants appeared before the Commission at the places hereinafter designated, and made personal application for the enrollment of the following named persons as Cherokee citizens:

George F. Franklin, at Vinita, Indian Territory, on October 4, 1900, made application for himself and his four minor children, George F. Jr., Hattie M., Josrie M. and Basil F. Franklin, as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October , 1900, and at Muskogee, Indian Territory, on February 25, and October 16, 1902. The application also included Veranda Franklin for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision.

Dora H. Franklin, at Vinita, Indian Territory, on October , 1900, made application for herself. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 2, 1902.

James H. Viner, at Vinita, Indian Territory, on October 4, 1900, made application for himself as a citizen by intermarriage, and for his minor children, Rebecca E., Jacob F. and Permelia F. Viner. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March , 1902. The said James H. Viner is differently classified and is not embraced in this decision.

The evidence shows that the said George F. Franklin is a white man; that he is identified on the register of Shawnees who removed to and located in the Cherokee Nation within two years of the 8th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation, approved by the President of the United States on June 4, 1869. The said George F. Franklin is identified on the 1880 census roll of the Cherokee Nation and on the Cherokee-Shawnee pay roll of 1886. The evidence further shows that the said George F. Franklin was legally

married to Veranda White, a white woman, on March 10, 1874; that the said George W. Jr., Hattie M., Jessie M. and Basil W. Franklin are the minor children of the said George W. Franklin and his wife, Veranda; That Dora M. Franklin is the daughter of the said George W. and Veranda Franklin. All of the children above named are identified on the 1896 census roll of the Cherokee Nation.

It further appears that the said Hattie M. Franklin was married on October 10, 1901, to Lewis T. Martin. She will not be listed for enrollment under her present name.

It further appears that Rebecca D., Jacob F. and Pernalia E. Viner are the children of Pernalia E. Viner, deceased; That the said Pernalia E. Viner was the daughter of the said George W. and Veranda Franklin, and that she was lawfully married on January 27, 1898, to James H. Viner. She is identified on the 1896 Cherokee-Shawnee pay roll, and the minor child, Rebecca D. Viner, is identified on that roll. The minor children, Jacob F. and Pernalia E. Viner, are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said George W. Franklin has resided in the Cherokee Nation ever since 1870; that his wife Veranda has resided with him in said nation ever since their marriage; that the said Dora M. Franklin has resided in the Cherokee Nation all her life; that the said Pernalia E. Viner resided in the Cherokee Nation all her life, and that she died in September, 1900. It is considered that the residence of the minor children named for, has been that of their parents.

It is, therefore, the opinion of this Commission that George W. Franklin, George W. Franklin, Jr., Jessie M. Franklin, Basil W. Franklin, Hattie M. Martin, Dora M. Franklin, Rebecca D. Viner, Jacob F. Viner and Pernalia E. Viner should be enrolled as citizens of the Cherokee Nation, with all the privileges and immunities of native citizens of said Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,

DATE JUN 1 - 1903

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes,

Tahlequah I. T. July 20th 1903.

In the matter of the application of George W. Franklin et al for enrollment as citizens of the Cherokee nation consolidating the applications of

George W. Franklin et al ----------Cherokee D 516
Dora M. Franklin Cherokee D---- 523

Rebecca D. Wimer----------Cherokee D-----527.

----------*******----------

Protest of the Cherokee Nation.

Comes now the Cherokee nation and respectfully protests against the decision of the Commission rendered in this case on June 1st 1903 and asks that the record and the decision inthis case be forwarded to the Honorable Secretary of the Interior for review.

Inasmuch as we have discussed our reasons why the Principal applicant should not be enrolled as a citizen of the Cherokee nation in our brief filed in the case of George W. Franklin et al Cherokee D 516 attention is now called to this brief.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation.

E.C.M. COPY Cherokee D 516.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of VIRANDA FRANKLIN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on October 4, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Viranda Franklin as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 5, 1900, and at Muskogee, Indian Territory, February 25, and October 16, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Viranda Franklin, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage March 10, 1874, to George W. Franklin; that the said George W. Franklin, who is identified on the approved partial roll of citizens of the Cherokee Nation, opposite No. 31911, as an adopted white, and on the Shawnee Register, opposite No. 343, is a white man, and acquired his right to enrollment as a citizen of the Cherokee Nation by virtue of his compliance with the provisions of the Agreement between the Cherokees and Shawnee Indians entered into June 7, 1869, and approved by the President June 9, 1869.

In view of the foregoing, it is considered that said applicant acquired no right to enrollment as a citizen by intermarriage of the Cherokee Nation by virtue of her said marriage to George W. Franklin, who is not a citizen of the Cherokee Nation of Cherokee blood.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Viranda Franklin, is not entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Tams Bixby

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-516,
D-523, D-527.

Muskogee, Indian Territory, July 9, 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 June 1, 1903, granting the application of George W. Franklin for the enrollment of himself and his minor children, George W., Jr., Hattie M., Jessie M. and Basil W. Franklin; of Dora M. Franklin for the enrollment of herself; and of James H. Wimer for the enrollment of his minor children, Rebecca D., Jacob F. and Permelia E. Wimer, as citizens of the Cherokee Nation.

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

Respectfully,

Commissioner in Charge.

Enc. H-13.

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
Cherokee D-516
et al. 528-527

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, in the consolidated case of George W. Franklin et al., granting the applications for the enrollment of George W., George W. Jr., Jessie M., Basil W. and Dora M. Franklin, Hattie M. Martin, and Rebecca D., Jacob F. and Permelia E. Wimer, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 1, 1904.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-516

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

Muskogee, Indian Territory, February 2, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for the enrollment of Viranda Franklin as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Commissioner.

Enc I-780

RPI

Copy

DEPARTMENT OF THE INTERIOR,

LAND
12681-1907

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 2, 1907, transmitting the record relative to the application for enrollment of Viranda Franklin as a citizen by intermarriage of the Cherokee Nation. On February 2, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The evidence shows that the applicant is a white woman, and claims no right to enrollment except such as she may have acquired by her marriage on March 10, 1874 to George W. Franklin, who is identified on the partial roll of citizens of the Cherokee Nation, as an adopted white man and acquired his right to enrollment as a citizen of the Cherokee Nation by virtue of his compliance with the provisions of the agreement between the Cherokee and Shawnee Indians entered into June 7, 1869, and approved by the President June 8, 1869.

In view of the foregoing it is considered that the applicant acquired no right to enrollment by her marriage to George W. Franklin, who is not a citizen of the Cherokee Nation of Cherokee blood.

Under the decision of the Supreme Court of the United States, dated November 5, 1906, in the case of Daniel Red Bird, et al., vs. the United States, the applicant is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J.P.B. - NL

D.C. 12416-1907 J.F.

DEPARTMENT OF THE INTERIOR, LRB

WASHINGTON.

LRS

March 1, 1907.

I.T.D.5294,5306,5308,5314-07
5318,5382,5386,5390-*
5416,5420,5436,5438-*
5444,5454,5456,5458-*
5472,5480,5482,5492-*
5510,5522,5528,5532-*
5540,5086, -*

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

| Title of case. | Date of your letter of transmittal. |
|---|---|
| Malinda A. Stingle et al. | December 29, 1906 |
| James N. Wilkerson et al. | January 7, 1907 |
| Joseph E. Bentley et al. | January 4, 1907 |
| Mary J. Rogers (intermarried) | February 8, 1907 |
| George W. Harrison et al. | October 19, 1906 |
| Willie T. Richards (intermarried) | February 2, 1907 |
| Virunda Franklin (intermarried) | February 2, 1907 |
| Harriett Hubbard (intermarried) | February 2, 1907 |
| Clara Rose and Coleman L. Abbott | January 28, 1907 |
| Nancy Ward Chandler | January 17, 1907 |
| Nancy J. Hall (intermarried) | January 28, 1907 |
| Thomas Tory (intermarried) | January 28, 1907 |
| Ann Johns (intermarried) | January 30, 1907 |
| Bertha May Harlan | February 9, 1907 |

| Title of case. | Date of your letter of transmittal. |
|---|---|
| Ulond Casey et al. | February 12, 1907 |
| Gilbert H. Laflin | February 1, 1907 |
| Sarah Jane Reeder | February 12, 1907 |
| George Williams | February 12, 1907 |
| Mary M. Palmour (intermarried) | February 8, 1907 |
| Rebecca J. and Anna Caroline Powell | February 12, 1907 |
| Joseph C. Cooper | December 22, 1906 |
| William Oscar Yeates et al. | December 29, 1906 |
| Howard Raymond Meats (freedman) | February 11, 1907 |
| Albert and Goldie Bicureth | February 11, 1907 |
| Thomas Lewis | February 8, 1907 |
| David Henry Lewis | February 1, 1907 |

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

26 inclosures.

26 inc. to Ind. Of.

A.E.H.
2-27-07

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-516

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

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for the enrollment of Viranda Franklin as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. H-50
JMH

IN THE MATTER OF THE APPLICATION OF

George W. Franklin et al

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

W

A. Original testimony of 10/4/00

B. Memo. of Application of 10/4/00

10. Supplementary testimony of 10/5/00

Notice of final consideration 5/28/02

Marriage license & certf.

Receipt for testimony.

Supplemental testimony and order closing testimony, Feb. 25, 1902.

Apr. 16, 1904, Nos 1 to 6 incl. transferred to Cherokee 10779

See Cherokee Jacket No. 2

C 527, R 232

Brief of applicant

OCT 26 1907

Cher D 317

File with case of Mollie Grum, et al., C.D.#517.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 2, 1900.

In the matter of the application of William W. Fields for the enrollment of himself, and children as Cherokee by blood, and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A William W. Fields.
Q What is your age? A 41.
Q What is your post office address? A Bluejacket.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir, a Cherokee.
Q What degree of blood? A 1/8.
Q For whom do you apply for enrollment? A Me and my family.
Q What is the name of your father? A George.
Q He living? A Yes, sir.
Q The name of your mother? A Mary.
Q She living? A No, sir.
Q What is the name of your wife? A Sarah A.
Q She a citizen by blood? A No, sir.
Q ~~xxx~~ What was her name before you married her? A Hedley.
Q What is her age? A She is 35 I believe.
Q Have you a certificate of marriage? A Here it is.
(Applicant presents satisfactory certificate of marriage, certifying that he married one Sarah A. Hedley, a citizen of the United States, on the 26th day of September, 1891.)
Q Have you any children? A Yes, sir.
Q What are the names of your children? A Jesse, 12 years old.
Q The next one? A Birdie, 10 years old.
Q The next one? A Dora, 8 years o,d.
Q What is the next one? A Della, 7 years old.
Q Next one? A Eugene, 5 years old.
Q Next one? A Howard E., 3 years old.
Q The next one? A Cledah, 9 months old.
Q Any others? A I have two more that isn't on this list with my children enrolled here, you will find them on the 1896 roll.
Q Are they your children? A Yes, sir
Q What are their names? A Louella, 17 years old.
Q The next one? A Edward, 9 years old.
Q These children all alive and living with you? A They are all living with me except Eddie and Louella.
Q They living in the Cherokee Nation? A Yes, sir.
Q What are the names of the mothers of these children, Sarah A.?
A All these here is Sarah; the first mother of the children was Nellie Fitzgerald, I have been married twice.
Q She living? A Yes, sir.
Q She a white person? A Yes, sir.
Q Have you any certificate of marriage as to her? A No, sir, I never brought it, I have one at home.
Q You and Nellie are not living together? A No, sir.
Q When did you marry her.
(The applicant presents a marriage certificate certifying that he wa married to one Miss Nellie Fitzgerald, a noncitizen, of the United States, in the State of Missouri, according to the laws of the United States, on the 5th day of October, 1879, and he avers that the said Nellie Fitzgerald is the mother of his children, Edward, Louella and Jesse.)

Q You say that Jesse Fields now, and Louella Fields and Edward Fields are the children of your former wife, Nellie Fitzgerald?
A Yes, sir.
Q And you married Sarah A. Heldey in 1891? A Yes, sir.
Q Who was the mother of Dora? A Sarah A. Hedley.
Q Who was the mother of Della? A Sarah A. Hedley.
Q Eugene? A Sarah A. Hedley.
Q Howard E.? A Sarah A. Hedley.
Q Cledah? A Sarah A. Hedley.
Q You say that your former wife is the mother of Edward? A Yes,sir
Q And Edward is nine yearsold? A Yes, sir.
Q How could that be when you have got children nnine years old and over by your present wife; were you divorced from your first wife?
A Yes, sir.
Q When?
(Applicant presents a copy of the decree of divorce from the Delaware Circuit Court, Cherokee Nation, in the year 1891, in the case of W. W. Fields, v. Nellie Fields, said decree of divorce being attested to by J. L. Ward, Deputy Clerk of Delaware district under the seal, and signed by T. W. Bench, Circuit Judge of the Northern Judicial Circuit. This decree of divorce was granted in 1891, on the 9th of September)
Q You haven't any certificate here as to the date of your marriage to your last wife? A It was the 13th of September.
Q This certificate just says 1891? A That is a mistake in the writing of the license, he was here a few minutes ago, Mr. T. J. McGee.
Q Four days after you got a divorce you married your second wife?
A Yes, sir.
Q When was Edward Fields born? A I don't just remember the date exactly, I think it was February 22, 1891.
Q His mother was Nellie Fitzgerald? A Yes, sir.
Q When was Jesse Fields born? A February 20, 1888.
Q His mother was Hedley? A No, sir, his mother was Nellie Fitzgerald.
Q When was Birdie born? A She was born December 12, 1890.
Q When was Dora born? A February 26, 1892.
Q Were these children all born in Wedlock? A All but one.
Q Which one was that? A Birdie.
Q Birdie was born before you were divorced from your first wife?
A Yes, sir.
Q Your first wife is the mother of Birdie? A No, sir, my second wife.
Q Then Dora, Della, Eugene, Howard E., and Cledah were all born after you married your last wife? A Yes, sir.
Q And Louella was the daughter of your first wife?
A Yes, sir, and Edward, you will not find me on the 1880 roll.
Q By what right do you claim citizenship? A Because I was always a citizen, I lived here all my life.
Q Why doesn't your name appear on the 1880 roll? A I was missed.
Q Were you ever readmitted? A I was never outside the Territory.
Q Never been admitted by an Act of the Cherokee Council?
A No, sir.
Q Did you ever apply to the Dawes Commission for admission in 1896?
A No, sir, I was placed on the roll of 1896.
Q On the Indian roll of 1896, but did you ever apply to the Dawes Commission in 1896 for admission? A No, sir.
Q What was your father's name? A George.
Q Did he die before 1880? A No, sir, he is living to-day.
Q Is he here? A I don't know whether he is here or not.
Q What was your mother's name? A Mary.
Q She living? A No, sir, she is dead, she has been dead for years.
Q You were 21 years old in 1880? A Yes, sir.

Q And still your name doesn't appear on the roll of 1880? A No, sir.
Q Where were you living? A I was moving, moved from Delaware district to Cooweescoowee, and when I got to Cooweescoowee district why the census takers had come and gone.
Q Haven't you known for years that your name wasn't on the roll of 1880? A Yes, sir.
(William W. Fields on 1896 roll, page 468, No. 1065, William WebsterFields, Delaware district.)
Q Your mother's name does not appear on the roll of 1880? A No, sir, she has been dead for years.
Q Was she dead before 1880? A Yes, sir, she died when I was quite small.
Q Is your present wife's middle name Ann? A Yes, sir.
(Sarah A. Fields on 1896 roll, page 572, No. 169, Annie Fields, Delaware district. Jesse Fields on 1896 roll, page 468, No. 1066, Delaware District. Birdie Fields on 1896 roll, page 468, No. 1067, Bird Fields, Delaware district. Dora Fields on 1896 roll, page 468, No. 1068, Delaware District. Della Fields on 1896 roll, page 468, No. 1069, Delaware District. Eugene Fields on 1896 roll, page 468, No. 1070, Delaware district. Louella Fields on 1896 roll, page page 469 No. 1106, Lus Fields, Delaware District. Edward Fields on 1896 roll, page 469, No. 1107, Eddie Fields, Delaware district.)
Q Your former wife isn't on the roll of 1896, you got this divorce in 1891? A No, sir.
Q Have you got any proof of brith as to your youngest two children? A
(Applicant presents proof of birth as to Howard E. and Cledah Fields)
Q Have you got any proof now to offer as to your citizenship?
A My uncle is here, Bud Fields.
Q Well, you have got to prove that you are entitled to citizenship, you have got to prove that your mother was a Cherokee citizen by blood, and that she was married to your father, or if she wasn't a Cherokee citizen, that she was married to your father.

M. Daniels, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A M. Daniels.
Q What is your age? A 55.
Q What is your post office address? A Vinita.
Q Do you know William W. Fields? A Yes, sir.
Q Did you know his mother, Mary? A I don't remember whether I do or not; yes, sir, I was acquainted with her.
Q Was she a Cherokee citizen by blood? A Yes, sir, she was recognized as a Cherokee by blood, her mother was a Cherokee.
Q Do you know when she died? A No, sir, I don't know when she died, I haven't been living near him, I only meet him occasionally.
Q His mother, Mary, then you knew to be a Cherokee by blood?
A Yes, sir.
Q What degree of blood? A I guess she was about 1/4, I don't know
Q Her father you say was a white man? A Yes, sir.
Q Was Mary's mother an Indian? A Yes, sir, she was an Indian, Cherokee.

The name of William W. Fields, appears upon the census roll of 1896. He makes proof of his marriage to one Sarah A. Hedley, in the year 1891, and proof of the same is filed herewith. The name of his children, Jesse, Birdie, Dora, Della, and Eugene are found upon the census roll of 1896; also the names of his children, Louella and Eddie. He makes satisfac-

tory proof as to the birth of his two younger children, Howard E. and Cledah. He avers that his child, Birdie, was born to him before his marriage with his present wife, who is a non-citizen. He avers that he was married to one Nellie Fitzgerald in the year 1879, according to the laws of the State of Missouri she being a non citizen. He makes proof of his divorce from said wife, said divorce having been granted on the 9th of September, 1891, and avers that he married his present wife on the 13th day of September, 1891. The certificate of marriage which he presents isn't specific as to the date of the marriage of his second wife, it merely stating that they were married in the month of September, but he avers it was on the 13th of September, four days after the divorce granted from his first wife. He makes no positive or satsfactory proof as to his citizenship, his name does not appear upon the authenticated roll of 1880, neither does the name of his mother. He avers that his mother died before said rolls were compiled.

The application for the enrollment of his child, Birdie, will be rejected for the reason that she was born out of wedlock.

Judgement as to his application for the enrollment of himself and his wife, Sarah A., and his children as enumerated, with the exception of his child Birdie, will be suspended, and their names will be placed upon a doubtful card, awaiting positive proof as to the citizenship of the said applicant. His wife's name will be entered upon said card as a Cherokee citizen by intermarriage and the name of himself and his children as Cherokee citizens by blood.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 3rd of October, 1900.

(Signed) T. B. Needles,
Commissioner.

-----o-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., October 3rd, 1900.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS IN THE MATTER OF THE APPLICATION OF WILLIAM W. FIELDS FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN.

GEORGE FIELDS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A George Fields.
Q What is your age? A About ~~k~~ sixty-two.
Q What is your postoffice? A Southwest City.
Q Do you know William Fields? A Yes, sir.
Q What is the name of William Fields father? A George Fields.

Q Are you his father? A Yes, sir.
Q What was his mother's name? A Mary Fields.
Q Was she a Cherokee by blood? A Yes, sir
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Where was William Fields born? A On Honey Creek.
Q Why is his name not on the 1880 roll? A Why he was moving at that time, and he was doenw on Honey Creek after a load while they was taking the census up there, and when he got back up there into Cooweescoowee they was through, and he wrote to me to give his name down here but I never got the letter until it was too late.
Q He was born in the Cherokee Nation? A Yes, sir.
Q He has never lived out of it? A No, sir.
Q He was here in 1880 to your certain knowledge? A Yes, sir.
Q And you asser as a reason that he had movedfrom Delaware to Cooweescoowee district just about the time the census was being taken? A Yes, sir.
Q You know of your personal knowledge he has not lived out of the Cherokee Nation? A Yes, sir.
Q You are his father, and your wife, who was a Cherokee by blood, is his mother? A Yes, sir

Witness excused.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings at the Supplemental hearing of the above mentioned application, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

(Signed) Wm. S. Wellshear.

Subscribed and sworn to before me this 19th day of October A.D. 1900.

(Signed) C. R. Breckinridge,
Commissioner.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly xx copied the testimony in the matter of the application of William W. Fields, and that the above and foregoing is a true and correct copy of all the testimony on file in said case.

J O Rosson

Subscribed and sworn to before me this March 3, 1902.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 28 1900

[illegible]
ACTING CHAIRMAN.

8517

[illegible] No. [illegible],

[illegible] to the [illegible] tribe.

[illegible], I.T. October 4th, 1900.

In the matter of the application of ROBERT E. GREEN for [illegible] of Cherokee, and [illegible] Nation, [illegible].

The said Robert E. Green, being sworn and examined by commissioner C. T. Brooksbridge, testified as follows:

Q. Give me your full name, please. A. Robert E. Green.
Q. How old are you? A. Twenty-four.
Q. What is your post office? A. Raleigh.
Q. In what district do you live? A. Tahlequah.
Q. Who is it you want to have put on the roll? A. My wife and baby.
Q. Yourself, wife and one child? A. Why, I don't know whether I will get on or not.
Q. Well, do you want to apply for yourself? Are you a white man or a Cherokee? A. A white man.
Q. Your wife is a Cherokee by blood, is she? A. Yes, sir.
Q. Have you got your marriage license or certificate? A. Yes, sir.
Q. Your wife's name was Nellie, was it? A. Yes, sir.
The applicant presents a certificate issued by the Clerk of the United States Court, Northern District of the Indian Territory December 22nd, 1896, authorizing his marriage to Miss Nellie Fields. The certificate shows they were united in marriage on the 11th of January, 1897 by the Rev. [illegible] W. Jamison. This is filed herewith.
Q. You have lived with your wife ever since you married her? A. Yes, sir.
Q. And in the Cherokee Nation? A. Yes, sir.
Q. Your wife's present name, then is Nellie Green. A. Yes, sir.
Q. What was her name when you married her? A. Fields.
Q. You are never married before? A. No, sir.
Q. She was never married before? A. No, sir.
Q. She was born in the Cherokee Nation? A. Yes, sir.
Q. She has lived here all her life? A. Yes, sir.
Q. What is her father's name? A. William Fields.
Dead or alive? A. Alive.
Q. Her mother's name? A. Nellie Fields.
Dead or alive? A. Alive.
Q. What is the name of your child? A. Lucille Green.
Q. Have you got a certificate there of its birth? A. Yes, sir.
Q. How old is your child? A. A year old in June.
Q. How old is your wife? A. She is eighteen now.
Q. She was not on the 1896 roll? A. No, sir. I don't think her mother is on the 1896 roll.
Q. Why not? A. She just proved here she was a Cherokee yesterday, I guess.
Q. Was she enrolled by the Cherokee commission or not? A. Yes, sir.
Q. Have you got a certificate of enrollment? A. I have not got any.
Q. Your wife's mother was enrolled by the Cherokee commission or received her citizenship? A. Yes, sir.
Q. Didn't she get a certificate of enrollment? A. I think so.
Q. You need to have it. You can't carry on your application without it.
I will [illegible] your case.
Q. Have you got it there. (Applicant leaves table for moment.)

(Applicant returns.)

A She said they never give her any.

Q When did your wife's mother come to the Cherokee Nation?

A Why, I don't know, about twenty-four or five years ago, I think.

Q And she is not on the roll of 1880? A No, sir.

1896 Roll, page 469, No. 1188, Willie Fields, Delaware District.

Q Did your wife's family ever apply to the Dawes commission for admission to Cherokee citizenship? A I don't know.

Q Was your wife's father named William W. Fields? A Yes, sir.

1896 Roll, page 181, No. 1831, William Fields, Cooweescoowee District.

1896 Roll, page 504, No. 370, Nellie Fields Cooweescoowee District.

Note: (From 1896 Roll) Page 504, No. 369, Maggie Fields, wife of William Fields, No. 1831. No. 370, Nellie Fields, wife of William Fields (Cooweescoowee).

Q Was your wife's father a Cherokee or a white man? A Cherokee

Q Is her mother a Cherokee or a white woman? A White woman.

Q Is Nellie Fields the mother or step-mother of your wife? A She was the mother.

Q This, then, is your wife's father's second wife, this Nellie Fields? A No, sir; it is his first wife.

Q Hasn't he been married twice? A Yes, sir; but his other wife is named Annie. His second wife is named Annie.

Q To a woman Nellie Fields is not living with her husband now? A No, sir.

Q So that your wife is the daughter of her father's first wife? A Yes, sir.

THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and one child. He is shown to have married his wife in accordance with the United States law in 1897, and not in accordance with the Cherokee law. He of course is not upon any roll. He married after the law of 1895, enacted to acquire rights by intermarriage, and he never was married in accordance with the Cherokee law, therefore the commission has no jurisdiction over his application for his own enrollment, and a memorandum will be made of his application. If he desires, that memorandum will be reported to the Secretary of the Interior, it will be done upon his written request.

His wife is identified upon the roll of 1896, but states that she has lived in the Cherokee Nation all her life. She will be listed now upon a doubtful card as a Cherokee by blood, and when a certificate of the birth of the child Lucile is filed with the commission that child also will be listed with its mother upon a doubtful card as a Cherokee by blood. Reference is made to D. Card No. 480, for evidence in full in regard to the status of the mother of the applicant's wife, in connection with the present testimony.

---

The undersigned, being sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October A. D. 1900.

Commissioner.

C12517

MAR 5 1952

CHAIRMAN

CONFIDENTIAL

supposedly based on stolen or forged documents.

Nothing has been done to alleviate the situation since Vaughan and Hoover left the Office of Strategic Services, and the Department of State is now faced with a very serious problem.

Respectfully,

-3-

Supl.-C.D.#517.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MOLLIE GROOM, ET AL/? as citizens of the Cherokee Nation, introduced on part of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that her application for the enrollment of herself and children would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 28th day of February, 1902: Receipt has been acknowledged of Commission's letter, and the applicant on this day, to-wit: The 28th day of February, 1902, appears by her husband and Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee representative, present.

Commission of Mr. Sequichie: Any statement you desire to make relative to the enrollment of Mrs. Groom?
(Produces witness)

NELLIE FIELDS, being duly sworn, testified as follows on part of applicants:
MR. SEQUICHIE:

Q What is your name? A Nellie Fields.
Q Your age and post office? A 36 years of age; post office, Chetopa, Kansas.
Q Do you know the applicant here, Mollie Groom? A Yes, sir.
Q What relation is she to you? A My daughter.
Q How old is she? A I could not tell you how old she is.
Q Well, about? A She is about 20.
Q What is her father? A William Fiels.
Q What is his citizenship; is he a Cherokee or white man?
A Cherokee.
Q Cherokee by blood? A Yes, sir.
Q Was this child, Mollie Groom, nee Fields, born during your wedlock? A Yes, sir.
Q While you and your husband, William Fields lived together?
A Yes, sir.
Q There a certificate or anything filed as to your marriage?
A Yes, sir.
MR. HASTINGS:
Q You say there is a certified filed? A Yes, sir.

Copies of all the testimony had in the matter of the application of the father of the applicant, William W. Fields, whose name appears upon Cherokee Card No. D.480, will be filed and made part of the record in this case.

Commission: The agent in behalf of the applicant and the representative of the Cherokee Nation present submit the case to the Commission and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

-2-

[illegible]

Subscribed and sworn to before me this March 1, 1932.

Commissioner.

Cherokee D-317

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mollie Groom and her minor children Lucile and Lecot Groom as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 4, 1900, Robert F. Groom appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of his wife, Mollie Groom and his minor child Lucile Groom as citizens by blood of the Cherokee Nation. He also made application for his own enrollment as a citizen by intermarriage of the Cherokee Nation, but as he is differently classified he is not embraced in this decision. A copy of the testimony taken in the matter of the application of William W. Fields, et. al. Cherokee D 480 has been filed and made a part of the record herein.

The evidence shows that Mollie Groom is the daughter of William Fields, a citizen by blood of the Cherokee Nation, and his wife Nellie Fields. She was married to Robert F. Groom on December 31,1896. Lucile Groom is the issue of that marriage. Since the date of this application a second child, Lecot Groom has been born to said Mollie Groom as appears from a birth affidavit on file with this Commission. Mollie Groom is identified on the Cherokee Census roll of 1896, and her children are identified by birth affidavits on file with this Commission.

The evidence shows that the said Mollie Groom has resided in the Cherokee Nation all her life and that she was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Mollie Groom, Lucile Groom and Lecot Groom should be enrolled as citizens by blood of the Cherokee Nation under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats.,495) and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

Cherokee D-517.

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

In the matter of the application for the enrollment of Mollie Groom and her minor children, Lucile and Leeot Groom, as citizens by blood of the Cherokee Nation.

## DECISION.

The record in this case shows that on October 4, 1900, Robert F. Groom appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of his wife, Mollie Groom, and his minor child, Lucile Groom, as citizens by blood of the Cherokee Nation. He also made application for his own enrollment as a citizen by intermarriage of the Cherokee Nation, but, as he is differently classified, he is not embraced in this decision. A copy of the testimony taken in the matter of the application of William W. Fields et al., Cherokee D-480, has been filed and made a part of the record herein.

The evidence shows that Mollie Groom is the daughter of William W. Fields, a citizen by blood of the Cherokee Nation, and his wife, Nellie Fields. She was married to Robert F. Groom on December 31, 1896. Lucile Groom is the issue of that marriage. Since the date of this application, a second child, Leeot Groom, has been born to said Mollie Groom, as appears from a birth affidavit. Mollie Groom is identified on the Cherokee Census Roll of 1896, and her children are identified by birth affidavits, made a part of the record herein.

The evidence shows that the said Mollie Groom has resided in the Cherokee Nation all her life, and that she was a resident of said Nation at the date of the application herein. The residence of the minor children applicants herein is considered to be the same as that of the mother.

It is, therefore, the opinion of this Commission that Mollie Groom, Lucile Groom and Leeot Groom should be enrolled as citizens by blood of the Cherokee Nation, 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.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

ADDRESS ALL MAIL TO THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 517.

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Robert F. Groom for the enrollment of his wife, Mollie Groom, and his two minor children, Lucile and Lecot Groom, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 54.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

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

Cherokee D-517.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Robert F. Groom for the enrollment of his wife, Mollie Groom, and his minor children, Lucile and Leeot Groom, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in 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,

Acting Chairman.

Enc. H-191.

D 517

IN THE MATTER OF THE APPLICATION OF

Willis Broom et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/4/00.
B Mem. & Application of 10/4/00.
C Marriage license and certificate
D. Birth certificate, Lucile Broom.
E Notice of final consideration 2/23/12
F Testimony from Hilman H. Fields case.

G Supplemental testimony and order closing case, Feb. 28, 1902.
Birth affidavit, Luat Broom

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

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

Q What is your name? A Charles T. Moore.
Q How old are you? A 45.
Q What is your post-office address? A Vinita.
Q In what district do you live? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Mollie Dawson when I married her.
Q What is her age? A About 36.
Q Have you a certificate of marriage? A Yes sir. (Produces papers).
Com'r: The applicant presents duly authenticated license and marriage certificate certifying that he was married to one Miss Mollie Dawson according to the laws of the Cherokee Nation on the 17th day of January 1887.
Q What is the name of your wife's father? A Robert Dawson.
Q Is he living? A No sir, dead.
Q Name of her mother? A I don't remember.
Q Does your wife's name appear upon the roll of 1880? A No sir.
Q What proof have you got of her citizenship? A (Produces papers).
Com'r: The applicant presents certificate of admission issued from the office of the Commission on Citizenship, Table Quah January 11 1883, signed by Thos. Fosher, President of the Commission, and Alex Wolfe and T. P. Thompson, Commissioners, D. W. C. Duncan Clerk of the Commission, duly attested by D. W. C. Duncan, in which certificate appears the name of Mollie Dawson.
Q Is she the identical person for whom you apply for enrollment as your wife? A Yes sir.
Q When did you remove to the Cherokee Nation? A In March 1883.
Q Been living here ever since? A Yes sir.
Q Was she ever married before you married her? A No sir.
Q Were you ever married before? A No sir.
Q You have been living with her continuously since your marriage to her? A Yes sir.
Q And she has been living here continuously since 1883? A Yes sir.
Q What are the names of your children? A Nora Moore, 17; Walter Moore, 12 years old; Clara Moore, aged 8 years; Ora Moore, aged 5; James Wilburn Moore, 2 years old.
Q These children alive and living with you? A Yes sir.
Q Born in the Cherokee Nation? A All of them but one.
Q You say the eldest one, Nora, was not born in the Cherokee Nation? A No sir.
Q Where was she born? A She was born in Arkansas.
Q She is the child of Mollie Dawson, is she? A Yes sir, and my child.

1896 roll page 596 Charles T. Moore, Delaware District
1896 roll page 596 #2126 Mollie Moore "
1896 roll page 596 #2127 Nora Moore "
1896 roll page 596 #2128 Walter Moore "
1896 roll page 596 #2129 Clara Moore "
1896 roll page 596 #2130 Ora Moore "

Charles T. Moore et al 28

Q You were married in the State of Arkansas? A Yes sir, I was the first time, but we married over in this country.
Q But you removed here in 1882? A Yes sir, married in 1883.

Comr Meadian, The name of Charles T. Moore appears upon the census roll of 1896, and he make satisfactory proof of his marriage to his wife Mollie Dawson in the year 1887, and her name is found upon the census roll of 1896; he presents certificate of admission to citizenship, more particularly described in the testimony, certifying that one Mollie Dawson was admitted to Cherokee citizenship in 1883, and that she removed to the Cherokee Nation in the same year, and have been living here continuously ever since; the names of his children, Nora, Water, Clara and Ora are found upon the census roll of 1896, and he presents proof of birth as to his youngest child, James E., whose name does not appear up on the census roll of 1896, he having been born after the same was compiled;

They being duly identified,-- now comes the Cherokee Nation by its representatives and protests against the enrollment of the said Mollie Dawson, wife of said Charles T. Moore, and her descendants; by reason thereof final judgment as to the enrollment of said Charles T. Moore, his wife Mollie and his children, as enumerated in the testimony will be suspended, and their names will be placed upon a doubtful card.

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

M D Green

Subscribed and sworn to before me this 4th day of October 1900.

C H Breeden

Commissioner.

Charles Doublehead
No 478
Charles Moore
Brief
Copy

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles T. Moore, et al, for enrollment as Cherokee citizens. Cherokee Doubtful. #516.

Brief and Argument for Applicants.

The final judgement in this case will depend upon the conclusion reached by the commission in the application of Francis M. Dawson. The wife of Charles T. Moore, Mollie Moore, was formerly Mollie Dawson, and was admitted to citizenship in the Cherokee Nation in January 1883, by what is known as the Tahee commission.

The proof in this case shows that the applicants herein, except the children who have been born in the Cherokee Nation, moved to the Cherokee Nation in 1883, shortly after the act of admission above referred to and that they have all lived here continuously since that time; the wife Mollie and the children drew money from the Cherokee Nation in 1886—'90 and '94, and were on the respective rolls of the Cherokee Nation for those years, which were strictly blood rolls. There seems to have been a distinct recognition of the rights of these people by the Cherokee Nation for at least ten years after their admission, and no question was ever raised during that time as to their status as Cherokee Indians by blood.

Charles T. Moore, the applicant, was remarried after he came to the Cherokee Nation according to the Cherokee laws, on January 17th. 1887, by T. J. McGee, clerk of Delaware District, as shown by certificate of marriage filed herewith. Every requirement of the law has been fulfilled by these people since their admission in 1883; they accepted the rights and privileges granted them by the act of admission and have in good faith endeavored to live in accord with the laws of the Cherokee Nation.

Respectfully Submitted.

A J McKennon
Mellette & Smith

Attys. for Applicants.

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 13, 1902.

In the matter of the application of Charles T. Moore et al for enrollment as citizens of the Cherokee Nation.

Cherokee D 518.

Brief on part of the Cherokee Nation.

The judgment in this case will depend upon the decision reached in the case of Francis M. Dawson et al Number Cherokee D 324 and the Commission is respectfully referred to that case for an extended brief and argument as to the right of the applicants to be enrolled as citizens of the Cherokee Nation.

Respectfully Submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

J. C. S.

Q Have you lived in the Cherokee Nation continuously from the time of your marriage in '85 or '6 up to the present time? A Yes, sir.
Q You have never lived out during that time? A No, sir.
Q Has your wife, Molly, lived here with you during all that time?
A Yes, sir.
Q Now, these children, Nora, Walter, Clara, Ora, James W. and Nina Edith, are your children by your wife, Molly? A Yes, sir, they're my children.
Q Are they all living at this time? A Yes, sir.
Q Have they lived in the Cherokee Nation all their lives? A Well one of them, the oldest, was born before we came here, Nora.
Q She has lived here ever since you came? A Yes, sir, ever since '83.

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

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

Notary Public.

2678

Cherokee D 518.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 10, 1902.

In the matter of the application of Charles T. Moore for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Molly Moore, and his six minor children, Nora, Walter, Clara, Ora, James W. and Edna Edith Moore, as citizens by blood, of the Cherokee Nation.

Supplemental Proceedings.

CHARLES T. MOORE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Charles T. Moore.
Q What is your age, Mr. Moore? A Forty-seven.
Q What is your postoffice? A Vinita.
Q Are you the same Charles T. Moore that made application to the Commission for enrollment as an intermarried citizen in October, 1900? A Yes, sir.
Q What is your wife's name? A Her name is Mary, commonly called Molly on the rolls.
Q Commonly called Molly? A Yes, sir.
Q Who made application for her? A I did.
Q Give her name as Molly, did you? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q When were you married to your wife, Molly? A Well, I have been married twice, I was married in the States.
Q Well, give the first; what state were you married in? A I was married in Arkansas.
Q Married in Arkansas the first time? When did you come to the Nation? A I came to the Nation in March, '83.
Q And then were you married again to the same woman? A Yes, sir, married under the Cherokee law.
Q When? A Well, it is in the winter of '95 or '6, I am not certain which. In that winter '95 or '6, I don't remember now.
Q Was it before or after the law was repealed? A In '86.
Q '86, you mean? A Yes, sir, the winter of '85 or '6.
Q Then you mean instead of '95 and '96, '85 or '86? A Yes, sir.
Q Did you take out a Cherokee license? A Yes, sir, turned it over to the Commission when I made application.
Q Now, Mr. Moore, had you ever been married prior to your marriage to your wife, Mollie? A No, sir.
Q Had she ever been married prior to her marriage to you? A No, sir.
Q You're her first husband and she's your first wife? A Yes, sir
Q After you and your wife moved from Arkansas to the Territory she was admitted to citizenship? A I can't understand.
Q I say, after you and your wife moved from Arkansas over here to the Territory, she was admitted to citizenship? A She was admitted before; admitted in January, '81, I believe, I am not right certain about the year but I think that's it.
Q Well, have you and your wife, Molly, lived together as husband and wife since you were married up to the present time? A Yes, sir.
Q Still living together? A Yes, sir.
Q Were living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q You have never had any falling out or separation? A No, sir.

Q Have you lived in the Cherokee Nation continuously from the time of your marriage in '85 or '6 up to the present time? A Yes, sir.
Q You have never lived out during that time? A No, sir.
Q Has your wife, Molly, lived here with you during all that time?
A Yes, sir.
Q Now, these children, Nora, Walter, Charm, Ora, James W. and Nina Smith, are your children by your wife, Molly? A Yes, sir, they're my children.
Q Are they all living at this time? A Yes, sir.
Q Have they lived in the Cherokee Nation all their lives? A Well one of them, the oldest, was born before we came here, Nora.
Q Who has lived here ever since you came? A Yes, sir, ever since '83.

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

Retta Chick

Subscribed and sworn to before me this 18 day of October, 1902.

[illegible]
Notary Public.

CHEROKEE. D.518

[illegible]

Charles T. [illegible] [illegible] to enroll
transferred [illegible] Cherokee 10746.

OCT 25 1907

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

IN THE MATTER OF THE [illegible]ATION

Charles T Moore et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Proof as to [illegible] of Robert
Dawson

Cher D 519

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 4th, 1903.

IN THE MATTER OF THE APPLICATION OF JIM MACK FIELDS FOR THE ENROLLMENT OF HIMSELF AND ONE CHILD AS CHEROKEE CITIZENS.

The said Jim Mack Fields, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Jim Mack Fields.
Q How old are you? A Twenty years old.
Q What is your post office? A Fairland.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself and one child.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name ofyour father? A George.
Q Is he dead or alive? A He is alive.
Q What is the name ofyour mother? A Sarah.
Q Is she dead or alive? A She is alive.
Q What is the name of this child? A Bertha Gladys.
Q Have you got a certificate of its birth? A Yes, sir.
Q How old is that child? A Two years old.
Q What is the name of the mother of this child? A Sarah Maud.
Q White woman? A Yes, sir.
Q When did you marry her? A In 1897.
Q Is she alive or dead? A She is alive.
Q You were not married before? A No, sir.
Q She was not married before? A No, sir.
Q Is there anybody here that knows you were married to her? A No, I think not.
Q Didn't you get a certificate of marriage? A Yes, sir; I got one and sent it to Tahlequah and never get it back.
Q What was her name when you married her? A Sarah Maud Crawford.
Q That was her maiden name, was it? A Yes, sir.
1880 Roll, page 256, No. 1109, Mack Fields, Delaware District.
1896 Roll, page 470, No. 1138, Mack Fields, Delaware District.
Q What time in 1897 were you married? A The 24th of March, 1897.

THE COMMISSIONER: The applicant applies for the enrollment of himself and one child. He is identifieden the rolls of 1880 and 1896 as a Native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood. He states that he was married to his wife, a white woman, in March, 1897, but [illegible] does not present at this time a certificate of marriage, and the marriage is too late for her to be identified on the roll of 1896. [illegible] This child also will be listed upon a doubtful card as a Cherokee by blood, to await evidence of his lawful marriage to his wife.

---

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

Subscribed and sworn to before me this 22nd day of October, A. D. 1903.

Stenographer.

Commissioner.

K CF10519

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR [illegible] 1902
[illegible]
ACTING CHAIRMAN.

File with 6 Fd 519

Supl. C.T.D. 547.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CHANEY ROSS as a Cherokee freedman:

Appearances:
Mr. Smith, of Counsel for Applicant;
Mr. Hastings, of Counsel for Cherokee Nation.

JAMES BRYDEN, being duly sworn, testified as follows on part of the Cherokee Nation:
Examination by Mr. Hastings:

Q That is your name? A James Bryden.
Q Where do you live, Mr. Bryden? A Fort Scott.
Q How long have you lived there? A About 20 or 21 years.
Q Did you ever know a colored woman up there by the name of Chaney Ross? A Yes, sir; used to call her Chaney Bell, but Chaney Ross was her name; she married a fellow by the name of Bell once.
Q Did you know any of her people, brothers or sisters? A I knew Dave Ross.
Q Dave a brother of hers? A Yes, sir.
Q Did you know her mother? A I have seen her; I wasn't acquainted with her.
Q About when did you get acquainted with Chaney and Dave, I will put them together? A In Fort Scott.
Q About when? A In about '81 or '2.
Q How long did you continue to know them up there? A Well up until about 1896.
Q Well, did you know them all the time from 1885 up until 1895 or 6? A Yes,; Dave wasn't there all the time.
Q How often did you see Chaney? A She lived there all the time; she owned a house there and lived there.
Q Was Dave married? A Yes, sir.
Q Had a family? A Yes, sir.
Q Did he own any property there? A Yes.
Q Who did Dave work for? A Stadden Grocery Company, working for them all the time.

MR. SMITH:

Q What did you say your name was? A James Bryden.
Q Mr. Bryden, how many times have you appeared before the Commission as a witness? A Once before.
Q Where? A Up at Vinita.
Q Did you appear at Vinita twice? A No, sir.
Q Well, is this your second or third trip down here? A Second trip.
Q Now, when did you go to Kansas? A Come to Kansas?
Q Yes. A In '80 or '81, I could not be certain.
Q What kind of work did Chaney ross do; you spoke about Dave working for somebody there, didn't Chaney Ross cook?
A She kept house there part of the time for herself. She worked around used to do washing.
Q Do you know whether she was hired to anybody there to do cooking?
A I don't know.
Q Well, now, how long do you say that you knew her? A Well 14 or 15 years that I knew her.

Q Commencing about [illegible] A Yes, sir; but I never seen her since; seen her within the [illegible] years.
Q Were you subpoenaed [illegible] case when you went to Vinita? A No, sir.
Q What game were you [illegible] in then? A Dave Ross'.
Q Well, you say Dave [illegible] was there? A Yes, sir.
Q Did you know as much about Chaney then as you know now? A I expect I did.
Q Why didn't you tell it? A I know I did.
Q You know you did? A Yes, sir.
Q Why didn't you testify? A I didn't asked to; I didn't hunt the job.
Q What do you do when you are at home? A I am Constable; have been for ten years.
Q Are now? A Yes, sir.
Q Constable of the township you live in? A City.
Q Well, it is too nship? A Yes, township and City.
Q Well, have you told now all you know about Chaney Ross and Dave?
A Told all they asked me; told all I think of about it; I know them well.

Commission: This testimony will be made a part of and filed in the following Cherokee Freedman cases: D.#519., D.#847, and D.#936.

---oooOOOooo---

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 February 24, 1902.

[signature]

Commissioner.

Statement D. 6

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 8, 1907.

In the matter of the application of Bertha G. Fields, a child, for enrollment as Choctaw citizens.

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Sworn Ancestral Statement

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Upon an affidavit of even date duly executed on the 19th day of June, 1906, and received by this Commission on the fourth day of March, 1907, it is shown that Bertha G. Fields was born to Sarah Fields on the 22nd day of June, 1906, and was living at the time of the execution of said affidavit.

There are also received this day affidavits on the 30th day of January, 1901, a birth affidavit duly executed on the 12th day of January, 1901, from which it appears that a male child was born to Sarah Fields on the 26th day of December, 1900, and said child has been named Pleas H. Fields, and was living at the date of the execution of said affidavits. The affidavits herein mentioned have been entered and filed with this Commission, and the child Pleas H. Fields has placed upon a correct and complete roll of citizens, Choctaw D. Nation.

It is directed that copies of this statement be filed with the enrollment in the above case.

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Commissioner.

Cherokee D.518

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 3,1902.

In the matter of the application of Bertha G. Fields, et.al, for enrollment as Cherokee citizens.

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Supplemental Statement

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From an affidavit of birth duly executed on the 19th day of July, 1900, and received by this Commission on the fourth day of October, 1900, it appears that Bertha G. Fields was born to Sarah Maud Fields on the 23rd day of June, 1898, and was living at the date of the execution of said affidavit.

There was also received by this Commission on the 30th day of January, 1901, a birth affidavit duly executed on the 28th day of January, 1901, from which it appears that a male child was born to Sarah Maud Fields on the 26th day of December, 1900; that said child has been named Clyde H. Fields, and was living at the date of the execution of said affidavits. The affidavits herein mentioned have been approved and filed with this Commission, and the child Clyde H. Fields was placed upon a "Doubtful" card along with his sister, Bertha G. Fields.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

Cherokee D 519

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Bertha G. Fields, et.al. for enrollment as Cherokee citizens.

On the fourth day of October, 1900, Jim Mack Fields appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his child Bertha G. as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time Jim Mack Fields was listed for enrollment on a regular card, and the name of Bertha G. Fields was placed upon a "Doubtful" card awaiting proof of marriage between her parents, and also proof as to her birth.

Further evidence has been submitted to this Commission and the following decision is rendered.

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D E C I S I O N.

--oOo-- --oOo--

From all the evidence of record in this case it appears that Jim Mack Fields was married on the 26th day of March, 1897 to Sarah Maud Crawford, a white woman. He is identified on the authenticated tribal roll of 1880. Bertha G. Fields is the result of such marriage, the evidence showing that she was born on the 23rd day of June, 1898.

On the 19th day of January, 1900, application was made for the enrollment of Clyde H. Fields, another child of such marriage who was born on the 26th day of December, 1899. Clyde H. Fields was placed upon a "Doubtful" card with his sister. Both of these children are of course too young to be upon the rolls, but they have been duly identified and they were living at the date upon which application was made for their enrollment.

This Commission in making rolls of citizenship of the Cherokee Nation is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495);

> " That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Bertha G. and Clyde E. Fields are entitled to be enrolled as citizens by blood of the Cherokee Nation, ~~and it~~ is so ordered.

T. R. Breedlove

Commissioners.

Dated at Muskogee, Indian Territory,
JUN 9 - 1902

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALFRED J. ATLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-519.

ADDRESS IN REPLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 8, 1908.

W. W. Hastings, Esq.,

Attorney Or the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 8, 1908, in the matter of the application of Bertha A. Fields et al for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the persons above named as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Yours truly,

Tamas Bixby

Acting Chairman.

Encl. D-519.

[illegible] THE APPLICATION OF

Bertha G. Fields

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A. Original testimony of 10/4/0[illegible]
B. Memo. of application of 10/4/[illegible]
C. Marriage certificate
D. Birth certificate Bertha G. Fie[illegible]
E. Birth certificate Clyde E. Fie[illegible]

Sept 15, 1902 Cancelled and transferred to Cherokee No. 9592

See Jacket A130 [illegible]

Cher D 520

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1900

C.D. 520

In the practice [illegible] here in the Cherokee courts, and the custom is to bring a plea in the petition and ask the court to adjudge that.

Q. Have you married since you were divorced from your wife? A. No, sir.

MR. SWORTZ STARR, (Representative of Cherokee Nation) I want to protest against the enrollment under Section 58?.

THE COMMISSIONER: The applicant is then listed on the rolls of 1880 and 1896 as an intermarried Cherokee. He is a white man. It appears that he was separated from his Cherokee wife some three years ago, and that she was granted a divorce by the United States Court sitting at Vinita, in the year 1897. The Cherokee representative present maintains that under Sec. 607 of the 1892 Revision of the Cherokee laws the applicant forfeited his rights as an intermarried citizen.

The applicant is desired to supply the Commission with a copy of the decree of divorce. And for the further consideration of his case it will be present be placed upon a doubtful card, and he will be informed of the later decision reached by the Commission.

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The undersigned, Bumgarner, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T. October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF JAMES H. AKIN FOR THE ENROLLMENT OF HIMSELF AS A CHEROKEE CITIZEN.

The said James H. Akin, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please. A James H. Akin.

Q How old are you? A Fifty years old.

Q What is your post office? A Vinita.

Q In what district do you live? A Cooweescoowee.

Q Who is it you want to have put on the roll? A Only myself.

Q Are you a Cherokee by blood? A No, sir.

Q Are you married? A Yes, sir.

Q Are you on the roll of 1880? A Yes, sir. I guess I am on all the rolls that have been made here since 1880. I have been here all the time; I haven't been out of the Nation. My wife may be give there as Akin; her maiden name was Peel. We were married in Arkansas first.

Q Is your wife living or dead? A Yes, sir; she is here. She has already enrolled.

1880 Roll, page 215, No. 16, James H. Akin, Delaware District. Adopted white.

1896 Roll, page 293, No. 33, James H Akins, Cooweescoowee District.

Q You were married to your wife in 1880? A Married first in 1872, and then remarried under the Cherokee law in 1880, the 16th day of June.

Q Her name is Fannie C. Akin, or was? A Yes, sir.

Q And she is still alive? A Yes, sir.

Q Have you lived in the Cherokee Nation ever since 1880? A Yes, sir. I have lived here since 1879. I came here in 1879.

Q How long after the roll of 1880 did you and your wife continue to live together? A Until about a little less than three years ago.

Q Didyou get a divorce from herwhen you separated from her? A There was a divorce gotten. She brought suit in the United States Court and I brought suit in the Cherokee Court.

Q Did you get the divorce from her or did she get a divorce from you? A She got the divorce.

Q Was the divorce granted to her? A Yes, sir.

Q By the United States Court? A Yes, sir.

Q Were there any children involved in that divorce suit? A Yes, sir. Yes, sir.

Q What was done with the children? A She was given custody of them by consent.

Q When was the divorce granted? A Well, sir, I don't know the date of it; I think it was in the latter part of 1897.

Q By this Court here at Vinita? A Yes, sir; by judge Thomas.

Q Whatwas the occasion of thatdivrece? Did you leave your wife or did your wife leave you? A Well, sir it was an equal separation when the suit wasbrought in the Cherokee Court by me, and then afterwards she brought a divorce herself.

Q Did she leave you or did you leave her? A I said it was a mutual separation. We just agreed to separate.

Q You are aware of the Cherokee law? A Yes, sir; under the plea of abandonment.

Q And the point is whether you are liable to the inhibition of that law. A I think not. She didn't bring it on the ground of abandonment. There is no allegation of that kind in her complaint. There is not a petition for it. I am a lawyer myself, and have been

in the practice for twenty years here in the Cherokee courts, and the custom is to bring a plea in the petition and ask the court to adjudge that.

Q. Have you married since you were divorced from your wife? A No, sir.

MR. EMMETT STARR, (Representative of Cherokee Nation) I want to protest against his enrollment under Section 667.

THE COMMISSIONER: The applicant is identified on the rolls of 1880 and 1896 as an intermarried Cherokee. He is a white man. It appears that he was separated from his Cherokee wife some three years ago, and that she was granted a divorce by the United States Court sitting at Vinita, in the year 1897. The Cherokee representative present maintains that under Sec. 667 of the 1892 Edition of the Cherokee laws the applicant forfeited his rights as an intermarried citizen.

The applicant is desired to supply the Commission with a copy of the decree of divorce. And for the further consideration of his case it will at present be placed upon a doubtful card, and he will be informed of the later decision reached by the Commission.

---

The undersigned, beingsworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

W. F. McMurray

Subscribed and sworn to before me this 22nd day of October A. D. 1902.

Commissioner.

D530

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Acting Chairman

Ordered that the hearing in the above matter be and the same is hereby continued to a date not later than the 15th day of March, 1962.

Motion denied.

D. 520.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of James H. Akin for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by O. B. Denison, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit the 28th day of February, 1902, appears in person and by his attorney, O. B. Denison.

The Cherokee Nation makes satisfactory proof of service on the applicant, James H. Akin, that it would, on the 28th day of February, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the applicant, James H. Akin, to be enrolled as a citizen of the Cherokee Nation.

JAMES H. AKIN, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A James H. Akin.
Q Where do you live, Mr. Akin? A At Vinita, Indian Territory.
MR. DENISON: You are the identical James H. Akin who was an applicant for enrollment in this case? A Yes, sir.
Q In the notice sent you by the Commission you are required to supply a certified copy of the decree of divorce in the case of Fannie C. Akin vs. James H. Akin, at Vinita; have you that certified copy with you? A Yes, sir.
Q Will you please produce it to the Commission? (Applicant hands paper to Commission.)
Q In your original testimony you speak of your remarriage to Fannie C. Akin after your removal to the Indian Territory and her admission as a citizen of the Territory? A Yes, sir.
Q Have you a certificate of that marriage? A Yes, sir.
Q By whom was it issued? A T. J. McChee, as clerk of Delaware District, Cherokee Nation.
Q Will you present it to the Commission, that they may file the original or make a copy of it? A Yes, sir.
COMMISSION: There is offered in evidence by the attorney for the applicant a certified copy of the amended complaint in the suit for divorce between Fannie C. Akin and James H. Akin. The same will be filed. There is also offered in evidence a marriage license issued by T. J. McChee, Clerk of Delaware District, Cherokee Nation, on the 16th day of June, 1880, authorizing the marriage of James H. Akin, a citizen of the United States, and Fanny C. Akin, a citizen of the Cherokee Nation by blood. Also a certificate showing that they were united in matrimony by T. J. McChee, Clerk of Delaware District, Cherokee Nation, on the 16th day of June, A. D. 1880. The same is filed herewith.
MR. HASTINGS: How long have you been at Vinita? A I have been in and around Vinita since 1879.
Q Where do you get your mail? A Where do I get my mail now?
Q Yes, sir. A At Vinita and at Galena, Kansas, we have an office at both places.
Q How long have you been getting your mail at Galena? A I forget

just when we established the office there, something over a year ago is my recollection.
Q You have charge of that office at Galena, don't you? A No, sir, not entirely, part of the time Judge Denison has been there, and I have been at the Vinita office part of the time, I stay at the Galena office and he stays at the Vinita office. Sometimes we are both at the same office.
Q How has it been for the past year? A For the past year I have been more at the Galena office than I have at the Vinita office.
Q Well, is it not a fact that you have been there almost exclusively? A I couldn't say almost exclusively, because I have been at the Vinita office considerable during that time, but I have been there a great deal more than I have at the Vinita office. I will state in connection, however, that my desk is at Vinita office. Judge Denison's desk is kept at the Galena office.

MR. DENISON: When was that partnership between me and yourself established? A I couldn't say definitely, but something over a year ago, perhaps nearly two years ago.
Q It was after the approval of the act of June 28, 1898? A Oh, yes, I am satisfied the partnership was not formed more than two years ago; my recollection is that it was formed two years ago this month, February.
Q Was that partnership for the transaction of business at both places, irrespective of the locality? A Yes, sir.
Q What have you regarded as your home during that time? A Vinita always, and it so states on my letterheads.
Q Have you any property? A Yes, sir.
Q Where is it situated, the bulk of it? A All the property I own except my office furniture and a bedroom suit is located in the Cherokee Nation.
Q What does it consist of principally? A Farms, claims and improvements upon the public domain, wagons, buggies, harness, horses, only one horse I believe.
Q Any town property in the Cherokee Nation? A Yes, sir, I have some interest in some town property in Vinita, some in Claremore, some in Afton, Indian Territory, and until within the last month I owned a third interest in an improvement with Mr. Hastings and Mr. Thompson here, it was sold only a few days ago, near Claremore.
Q How long have you owned the larger part of this property in the Cherokee Nation? A Well, sir, that would be hard to determine, I have accumulated it since I have been here, since 1879, but at what time I cannot possibly state.
Q Well, was the principle part of it or all of it owned before the approval of the Act of June 28, 1898? A Yes, sir, all of it.

T. J. McGHEE, being first duly sworn, testified as follows:

MR. DENISON: What is your name? A T. J. McGhee.
Q Where do you live? A Delaware District, Cherokee Nation.
Q How long have you lived there? A About 58 years I reckon, that's my age.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q In June, 1880, did you hold any office, and if so what, in the Nation? A Clerk of Delaware District, clerk of the court.
Q I wish you would look at the paper now shown you (the paper which has been offered in evidence to the Commission) and see if you recognize the signature to it and the paper? A Yes, sir, I issued those licenses.
Q And did you perform the ceremony which is certified to on the back of them? A Yes, sir, I did.

Q Independent of the paper have you any recollection about the matter? A Yes, I think I do.
Q I wish you would state it? A Well, Mr. James Akin used to be an attorney there and he has very often stopped and staid over night with me.
Q Well, do you remember the marriage between James H. Akin and [illegible] O. Akin? outside of the paper have you any recollection of witnessing the ceremony? A Yes, sir.
Q That is what I want you to state? If you have any recollection about the matter state it to the stenographer there? A Well, I have some recollection about him coming there and getting married and he getting his license.
Q That is the same James H. Akin who is now an applicant for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
MR. HASTINGS: Well, now, was it in the morning or the evening that he got married? A I think it was in the morning, staid all night over to Joe Hopkins.
Q Do you know that fact? A I think I do.
Q You say you think you do, now I want you to state if you know it independent of this paper? A Why I couldn't give the hour, it would be impossible.
Q And the fact of the business is you would not remember it except from refreshing your memory? A Refreshing my memory of course.
Q You know it from the paper don't you? A Yes, sir.
Q Now to remember these things for twenty two years, it is a pretty hard thing didn't it? A Yes, sir.
Q Was anybody else present when they were married? A I don't remember.
Q You don't know what month it was in do you? A No, I couldn't be qualified to what month it was.
Q You couldn't without looking at this paper have told what year it was, you was clerk up there a long time, wasn't you? A Yes, sir, I was clerk off and on from 1897 on to 1901.
Q Well, now, without looking at this paper could you tell what year it was? A No, sir, it would take me on the surprise, I couldn't do it.
COMMISSION: You submit the case?
MR. HASTINGS: Yes.
COMMISSION: You want to file a brief do you?
MR. DENISON: Yes, sir.

JAMES H. AKIN, the applicant recalled:

MR. HASTINGS: Have you married since this divorce was granted? A I have not.
COMMISSION: The attorney for the applicant and the representatives of the Cherokee Nation present submit the case. The same is ordered signed and reported to the Commission for a final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted ten days in which to file a brief in the case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

—||—||—||—

Arthur V. Crosthwait, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the

-4-

This is a true and complete transcript of his stenographic notes taken by me.

Arthur G. Gromiger

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

Commissioner.

IN THE UNITED STATES COURT FOR THE
INDIAN TERRITORY, NORTHERN DISTRICT
THEREOF, SITTING AT VINITA.

Fannie C. Akin, Plaintiff,

vs

James W. Akin, Defendant. Amended Complaint in Equity.

Comes the plaintiff, Fannie C. Akin, and states that she is a resident of the Northern District of the Indian Territory, and has been continuously for the last twenty years, and during all of said time has resided in and near Vinita, I.T., and nearer to Vinita than any other place of holding court in said District.

That James W. Akin resides in, and is to be found in the Northern District of the Indian Territory and nearer to Vinita than any other place of holding court in said District and Territory. That plaintiff and defendant were married at Little Rock, Ark., on the 7th day of May 1872 ; that since her intermarriage with defendant plaintiff has conducted herself as an obedient , dutiful and faithful wife ; that there was born to said plaintiff and defendant, as a result of said ~~marriage~~ intermarriage, seven children, two of whom are now dead, two of whom are now married and that there are three of said children now at home, and residing with said plaintiff, whose names and ages are as follows :

Vinita Akin, age seventeen years.
Strange Akin, age fourteen years.
Raymond Akin, Age three years.

That for many years the defendant has neglected and treated with contempt, unmerited reproach and rudeness said plaintiff; that three years ago defendant commenced a course of continuous unkind, harsh and tyranical treatment toward her which has continued with little intermission since that time; that he frequently used approbious ~~epithets~~ epithets, and that he has for the last three years aforesaid, constantly offered her such personal indignities as rendered her condition intolerable; that said defendant has

absented himself from his home for long periods of time, and that during the last year he has taken up his residence at Claremore, I. T., and for several months prior to the institution of this suit defendant rarely ever come to the home of this plaintiff, that for the last year the said defendant has treated her continuously and habitually with studied neglect, unmerited reproach, rudeness and contempt, causing her ~~existence~~ extreme and unmerited suffering and rendering her condition intolerable; that said cause for divorce occurred within the last five years, and within the Northern District of the Indian Territory and nearer to Vinita than any other place of holding court in said District.

That said plaintiff is a citizen of the Cherokee Nation by blood, and the owner of the following described property; to-wit :
Lots, 2 and 5, Block 45, in the Town of Afton, I.T.,
One farm known as the White Oak farm, with all the improvements thereon, which farm is situate near White Oak, about eight miles West of Vinita. I.T.,
Lot No. 3, lot No. 9, in the Town of Downingville, I.T., together with all the improvements thereon, and all the household furniture thereon and belonging to the home of plaintiff.
One half interest in an improvement upon the public domain within the corporate limits of Downingville, and West of the Fair Grounds and East of the M.K & T. R. R. , in which improvement Thompson & Hastings and Jim Tittle together have the remaining interest.

The North half of lot 40 Block 38 in the Town of Claremore, I.T., together with all the improvements thereon; that she has a reversionary interest in the following described property:
Lot No. 2 in block No. 19: the south half of lot No. 4 in block No. 38, all in the Town of Claremore, I.T., and Lot No. 4 in block No. 15 in the town of Downingville, I.T.,

That said plaintiff has for a consideration released to said defendant since the institution of this suit the other property mentioned in her complaint; that said defendant, prior to the institution of this suit, had controlled said property as agent

of plaintiff, and that said defendant threatened to sell said property.

Wherefore plaintiff prays that the bonds of matrimony heretofore existing between the plaintiff and defendant be set aside and forever held for naught; for the custody of her said children, Vinita Akin, Strange Akin and Raymond Akin; that the restraining order heretofore issued herein be made perpetual as to the property particularly described in this amended complaint, for costs and all proper relief.

L. B. Bell, Soper, Melette & Smith
Solicitors for plaintiff.

Fannie C. Akin, being duly sworn states that she has read the foregoing complaint, and that the allegations therein are true as she verily believes.

Sworn to and subscribed before me this --- day of--- 1898.

United States of America,
Indian Territory,
Northern District.

I hereby certify that the above and foregoing is a true and correct copy of the original complaint, as the same appears now on file in my office at Vinita, I.T.

This 27th day of February, A. D. 1902.

_____

by _____ Deputy.

United States of America,

Indian Territory, ss

Northern District,

I, Chas? A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, do hereby certify the above and foregoing to be a true and correct copy of the amended complaint in the case of Fannie C. Akin vs James H. Akin No 710 Equity as same appears from the records now on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at my office in Vinita, I.T. this the 27th. day of Feb'y. 1902.

CHAS. A. DAVIDSON, CLERK.

By R. E. Lybrand Deputy.

Endorsed:

Case No. 710

In the United States Court for the Indian Territory at Vinita

Fannie C. Akin, Plaintiff

vs

James H. Akin Defendant

Amended Complaint

Filed in Open Court

Oct. 4 ---- Jas. A. Winsten, Clerk

Soper, Mellette and Smith,

Attorneys for_____

Cherokee D-520.

Before The Commission to the Five Civilized Tribes.

-:-:-:-:-:-:-:-:-:-:-:-

In the matter of the Enrollment of
James H. Akin as an Adopted Citizen
of the Cherokee Nation.

Brief on Behalf of Applicant.

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Fannie C. Akin, by inter-marriage with whom in accordance with and under the laws of the Cherokee Nation the applicant gets his right to be enrolled, has been duly enrolled as a citizen of the Cherokee Nation by blood by this Honorable Commission.

The testimony shows that this applicant and the said Fannie C. were married prior to her admission as a member of the Cherokee Nation and that after said admission they were re-married under and in accordance with the laws of that Nation and after said re-marriage they were both duly enrolled upon the roll of Cherokee citizens made by that Nation in the year 1880, which roll has been confirmed by the Congress.

The applicant became a bona fide resident of the Cherokee Nation before the roll of 1880 was made and has always remained such, and his name is found upon every roll that the authorities of the Cherokee Nation have made since the roll of 1880, as well as upon that roll.

The only objection now made to his enrollment, by the Cherokee Nation, and there is no objection offered by anyone else, is based solely on the ground that This Honorable Commission cannot enroll the applicant because of Section 667 of the laws of the Cherokee Nation as found in the compilation of those laws in 1892.

If for any reason that position of the Cherokee Nation is not well taken it matters not atall what that law is or whether this Honorable Commission are called upon and have the authority to enforce it in any case. If for any reason that law cannot be put in force against this applicant no objection whatever is offered to his enrollment.

If the Congress has taken this applicant out of the class to which section 667 of the Cherokee laws applies, if that law can be enforced by this Honorable Commission in any case, then the objection by the Nation to the enrollment of the applicant is unavailing. This we think has been done and we quote from the act of the Congress, approved June, 28, 1898, commonly called The Curtis Act, as follows:

> " That in making rolls of citizenship for 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 hudred 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."

This Honorable Commission are authorized and directed to take this roll as the roll confirmed by the Congress and to enroll all persons now living whose names are found on said roll. This authority and direction are controlled by only two things and both of those are mentioned in the act, freedmen are not included, and the persons must have removed into the Cherokee Nation and settled there in good faith before the passage of the Curtis act.

That the applicant is upon that roll and that he removed to the Nation and in good faith settled there before June 28, 1898, and is not a freedman, and is today an actual resident in good faith of the Cherokee Nation, can admit of no doubt upon the record before this honorable Commission.

The language used in the Curtis act " with such intermarried white persons as may be entitled to citizenship under Cherokee laws ", can have no application or possible reference

to the case of this applicant. That language can only apply to such intermarried white persons as are entitled to be enrolled under the Cherokee laws but have not been enrolled. To undertake to make it apply also to those who are enrolled upon the rolls of 1880 is to make the act absolutely contradictory and this would be contrary to every rule for the construction of statutes, and the rule contended for will give this and the other part of the act full force and effect.

In this case the Honorable Commission has but to examine into the facts and if the facts show that the applicant was upon the rolls of 1880, had removed into the Cherokee Nation and in good faith settled there before June 28, 1898, and was not a freedman, and then pronounce the judgment that the Congress says it is " Authorized and Directed " to pronounce. If the facts are proven, no discretion is left to this Honorable Commission. The Congress has declared what the judgment shall be and there is nothing left to be done but to pronounce that judgment, that the applicant is entitled to be enrolled and he is enrolled.

If this Honorable Commission should differ with us in this view of the law and believe that any right existed to investigate the alleged abandonment by the applicant of his Cherokee wife, Fannie C. Akin, let us spend a few moments on that question, and first as to the facts in proof.

These show that prior to the abolition of the courts of the Cherokee Nation the applicant had brought a suit for divorce in the proper court of his Nation against his wife for a dissolution of the marriage relation and that she had acknowledged service of the citation; that before this action could be determined the court in which it was brought was abolished; afterwards the wife brought a suit for divorce in the United States Court and obtained a judgment by default, this Honorable Commission has required the applicant to file with it a

certified copy of the decree in this case and of the amended complaint upon which such decree is founded; Not one word of proof has been offered by the Nation to show any act of abandonment and there is absolutely none in this record.

That amended complaint carefully conceals from the Court and from the world the fact that there had been a re-marriage by the complainant in that case and this applicant under and in accordance with the laws of the Cherokee Nation relating to and governing intermarriages of white men with Cherokee Indian women, but rests her sole and only right to relief from the bonds of matrimony entered into between them in one of the States before she had been admitted as a citizen of the Cherokee Nation and before she could under the law of that Nation, to which she became amenable when admitted, contract a marriage with a white man and thereby cast upon him the rights, privileges and franchises of an adopted cizen. What marriage was dissolved by this decree ? Surely none other than such marriage as was set out in the complaint. In this case there were two lawful marriages and the complainant asks only to relieved, to have dissolved, one of them, and that the one earliest entered into, and from this marriage, and from this only, is she relieved by this decree, and the second and last marriage remains good and undissolved at this day. The court was without any power to grant more than was asked. The marriage under the Cherokee law has never been dissolved. The complainant in that case and this applicant are still man and wife, in law. And this is all the proof there is upon the subject of abandonment.

But suppose Fannie T. Akin had asked that both marriages be dissolved and the court had so decreed ? Would that establish " abandonment " which is all that is urged against the enrollment of the applicant ? She could only obtain her decree of divorce in the court in which she sued for it by alleging and proving some one or more of the grounds for divorce

laid down in the statute. She elected which one of these she would proceed under and took that portion of the Fifth paragaph of Sec.2556 which provides as one of the grounds upon which a divorce will be granted, that,one accused " shall offer such indignities to the person of the other as shall render his or her condition intolerable". There is no clause,no ground for divorce,given in tha statute for " abandonment ". The nearest approach to it is the language in the second paragraph of the section already cited,which reads;" Second. When either party wilfully deserts and absents himself or herself from the other for the space of one year without reasonable cause."

Mans.Dig.Laws of Ark.Sec.2556.p.580.

If that ground had been alleged in the complaint this Honorble Commission might construe it as the equivalent in law of legal abandonment,-for no one will pretend that the word " abandonment " as used in the Cherokee Statute is entitled to or should have any other meaning than that that the law has given the word when used in laws in connection with marital duties,- but she did not see fit to allege this,presumably because it could not be proved. If it exist at all it is from the very nature of the two charges much more easily proved than the one made in this case. That there are some allegations in the complaint that the defendant spent a considerable part of his time away from complainant during the year before she filed her complaint,was mere surplusage,not proper to be alleged and not proper to be proven in the case if it could be,and certainly not to be taken as proven by the judgment by default.

The Cherokee Nation does not offer one word of proof that the applicant has abadoned his wife. There is absolutely no proof at all before this Honorable Commission of any abandonment,or of any act looking toward an abandonment,of his wife by the applicant. Not one word to show that he had not always

and does not as yet provide for his family, and even his wife, not only all their necessaries and comforts but many of the luxuries of life. We think that it has been shown by the argument that the objection of the Cherokee Nation does not rest on any solid foundation. It might be better said has no foundation whatever.

There is another view of this case to which the attention of this Honorable Commission is called. The decree of divorce granted Fannie C. Aiken against the applicant being the only thing that the Cherokee Nation relies upon to show " abandonment " can the decree of the United States Court, even supposing that abandonment or its equivalent was charged in the Complaint on which such decree was based, work out a forfeiture of the rights of property and citizenship on the part of the defendant under the laws of the Cherokee Nation ? We say NO. And say so for two reasons. First,- it would be giving authority to the courts of one jurisdiction to enforce by its judgments the penal laws of another jurisdiction an authority that has never been given to the Courts of the United States in the Indian Territory, and. Second,- Such authority is expressly taken away, an exercise of such jurisdiction is expressly forbidden to it by the very same act under which this Honorable Commission is making the enrollment.

> " That on and after the passage of this act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory."

Sec. 29 Act of Congress, June 28, 1898. Curtis Act.

There is an entire absence of any attempt to declare any such forfeiture in the decree, and it has been the endeavor to show that the decree could not and did not have any such effect.

Supposing, always, that <u>competent</u> and <u>sufficient</u> proof of " abandonment " has been produced before this Honorable Commission, there remains to be discussed the important qestion

whether there can be a forfeiture of citizen and property rights in this country without a judicial ascertainment of existence of the facts upon which a forfeiture is claimed and a judicial determination that such forfeiture shall take place.

Can a legislative body say that a man shall lose any of rights it has provided that he may obtain ?

At the outset it must be remembered that while the United States gave to the Cherokee people the authority to make a constitution and enact laws for their government the United States required that that constitution and those laws should never be in conflict with the constitution and laws of the United States. The constitution of the United States was the Supreme Law of the Land to the Cherokee citizen as well as to every other person in this land.

That the Cherokee Council could do no more than declare what facts when judicially ascertained should work a forfeiture of citizenship and rights is most fully sustained by Judge Cooley, where in his great work upon Constitutional Limitations he has exhaustively discussed the question and to that discussion this Honorable Commission are most respectfully referred.

Const.Lim.( Sixth Ed.) pp.125.316 - 318,444 - 446.

The author clearly enunciates the rule here contended for and cites very many cases to sustain his position, both Federal and state.

That the Cherokee Council had reached this conclusion is shown by the enactment by it of a law which has now become Section 669 of the Cherokee Compiled Laws of 1892, the very next section but one that the representatives of the Nation ask to have this Honorable Commission enforce in this case.

That section confers jurisdiction upon the Circuit Courts of the Nation, at the instance of any person or the solicitor of the District, to hear and determine whether the person who is charged has committed those acts which are declared to work a forfeiture, and provides how the courts shall proceed in

such cases, and have recognized the binding force of their own constitution, Sec. 7, Art. VI, Comp. 1892, p. 27, by providing in this act for a trial of the question whether there has been an abandonment without cause by a jury.

There could be no forfeiture of citizenship without some court of competent jurisdiction had ascertained the fact and pronounced a judgment upon them.

There can be no pretence in this case that this was ever done. There is an utter absence of any testimony that any thing of the kind was ever attempted, let alone proof that any such thing was ever done.

If there were proof of abandonment by this applicant of his Cherokee wife before this Honorable Commission we respectfully submit that it has never been clothed with the authority to declare a forfeiture of citizenship. But there is not a scintala of evidence showing a single act looking toward abandonment.

It is very clear that the applicant is entitled both in law and justice to be enrolled by this Honorable Commission on the rolls of the Cherokee Nation as an adopted citizen of said Nation.

Respectfully submitted.

George B. Denison

Attorney for Applicant.

"J"

Cherokee D - 520.

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Before the Commission to the Five Civilized Tribes.

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In the matter of the Application of James H. Akin to Enrolment.

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Brief on Behalf of Applicant.

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George B. Denison,
Attorney for Applicant.

Commission [illegible] Civilized Tribes
FILED
MAR 8 1902
Acting Chairman.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 16, 1902.

In the matter of the application of
James H. Akin for enrollment as a
citizen of the Cherokee Nation by
Intermarriage.

Cherokee D. 520.

Brief on behalf of the Cherokee Nation.

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The applicant, James H. Akin, applies as a citizen of the Cherokee Nation by virtue of his marriage to Fannie C. Akin, nee Pool, on June 16, 1880. His name is found upon the rolls of 1880 and 1896; but subsequent to that time his wife brought suit in the United States Court at Vinita against the applicant for a divorce, and judgment was rendered in her favor by the Court. By reference to the amended complaint filed in this case the grounds she alleges for a divorce are as follows: "That for many Years the defendant has neglected and treated with contempt, unmerited reproach and rudeness said plaintiff; that three Years ago defendant commenced a course of continuous unkind, harsh, tyrannical treatment toward her, which he continued with little intermission since that time; that he frequently used opprobrious epithets, and that he has for the last three Years aforesaid constantly offered her such personal indignities as rendered her condition intolerable; that said defendant has absented himself from his home for long periods of time, and that during the last Year he has taken up his residence at Claremore, I. T., and for several months prior to the institution of this suit defendant rarely ever came to the home of this plaintiff, that for the last Year the said defendant has treated her continuously and habitually with studied neglect, unmerited reproach, rudeness and contempt, causing her extreme and unmerited suffering, and rendering her condition intolerable".

The Master in Chancery, to whom was referred this case for report, made a report favorable to the plaintiff, and recommending that a divorce be granted her, giving her the custody of their three minor children; and this report was confirmed by the Court, and the divorce granted in accordance with the report.

Perhaps it is difficult to conceive of a condition more intolerable than that described by the plaintiff in her complaint, and for that reason that part of her complaint is hereinabove omitted. She not only alleges personal indignities, opprobrious epithets, studied neglect, but she alleges an abandonment from her home for long periods of time by the applicant: that he took up his residence in the town of Claremore, I. T., and that he rarely ever came back to the home of the plaintiff. This complaint, we think, clearly alleges abandonment; it pleads desertion; it sues the court for protection; it longs for kind treatment, and it appeals in sympathetic tones to be heard. The court listened, and judgment was rendered her, not only for a divorce, but for the care and custody of her loving children.

In this connection we desire to quote Section 667 of the Compiled Laws of the Cherokee Nation: "Every person who shall lawfully or under the provisions of this act, who afterwards abandons his wife, shall ~~for~~ thereby forfeit every right and privilege of citizenship in this Nation".

But counsel for applicant contends that this law is not enforceable because of certain section of the Curtis Bill referred to in his brief. But this provision has no reference whatever to citizenship cases, for the reason that the Commission is given jurisdiction to hear and determine the right of

any applicant who presents himself for enrollment to be enrolled as a citizen of the Cherokee Nation by section 21 of the Curtis Bill. The last clause of the first paragraph of Section 21 provides that the Commission "Shall enroll such intermarried white persons as may be entitled to citizenship under Cherokee laws". You will therefore observe that all citizenship laws were specially kept in force, and that the Commission was specially charged with applying these laws to all citizenship cases in determining whether or not an applicant who presents himself is entitled to be enrolled.

Counsel further contends that inasmuch as the applicant is upon the roll of 1880, and inasmuch as that roll has been confirmed by act of Congress that it is mandatory upon the Commission to enroll him without question. But we contend that Congress must have had in mind just such provisions of the Cherokee law as contained in Section 667 herei above quoted when this provision was inserted in Section 21 of the Curtis Bill, because it must have been contemplated that under the laws of the Cherokee Nation some inter-married whites could forfeit their rights to citizenship by abandonment by abandoning their wives, and for that reason that such a section as hereinabove quoted was inserted, so that all Cherokee laws could be applied to each intermarried white applicant to see whether or not under them the applicant is entitled to be enrolled as a citizen of the Nation.

Very strangely counsel for applicant, looking for technicalities, falls into the common error that the Cherokee provision found in section 667 is unconstitutional in so far as it he contends the right of the applicant can not be forfeited. The Supreme Court of the United States in the Hitchens

case, found in 174 U. S., was determined that a citizenship right is not a property right: and the Supreme Court was further determined in the case of Roff vs Burney, as cited from the Cherokee Nation, that the authority which could confer citizenship had also the right to take it away. But the Department has sustained our contention in numerous other cases that an intermarried white man, either by abandonment or subsequent to the death of his Cherokee wife by intermarrying with a white woman, could and did forfeit his right to citizenship in the Cherokee Nation: and therefore the question of whether or not an intermarried white man could forfeit his right has heretofore determined.

It is contended further that this suit should have been instituted into ~~Exxxxxxxxxxxxxxxxxx~~ tribal courts where forfeiture of citizenship should have been declared. The testimony in this case shows that this suit was instituted in the tribal court, but that these courts were abolished by an act of Congress, and that subsequent to that time suit was instituted in the United States Court having jurisdiction at Vinita.

The contention is the court judicially determined that the applicant abandoned his D. Nin, and her condition intolerable, so that she herself would have been justified in abandoning him, and that this having been sustained Section 2 of the Act of [illegible] the Cherokee Nation is applicable to this case.

The Commission is concerned with making a correct roll of all applicants entitled to be enrolled as citizens of the Cherokee Nation. It has the interest equity jurisdiction: much more so than any court: even if all the testimony is introduced it is not in the province of the Commission to

mission to open up, if necessary, any case for the purpose of fully developing all the facts necessary to a proper determination of that case. It has all the jurisdiction of the United States Court, and it has also the jurisdiction of all the tribal courts so far as determining the question of the right of any applicant to be enrolled is concerned.

And we submit that it is not to believe that the applicant, convicted as he was in the United States Court of the grave charges alleged in the complaint of his former wife dutiful wife, will be enrolled by the Commission.

Aside from the question of jurisdiction there is involved in this case a question of morals. While the applicant himself attempts to deny that he was a resident of Galena, Kansas, Yet he does admit that he gets his mail there, and has lived there a greater part of his time for the past Years or more; and the attention of the Commission is invited to the return notice sent the applicant by the Commission on February 12, 1902, which is post-marked Galena, Kansas, February 14, as well as the notice filed with the papers in this case served upon the applicant by the marshal Nation on February 17, 1902, at Galena, Kansas.

In order to show perhaps the methods used by the applicant in this case Your attention is also invited to what purports to be the original marriage license filed in this case. We do not know that it is the same, inasmuch as the name of applicant's wife was [illegible] 1900, for him to file his marriage license, and for some reason he was required to file it by the Commission, and on February 14, 1902, he filed what purports to be the original marriage license. A casual inspection of this license at once discloses the fact that it [illegible] years ago. The paper itself is [illegible] and the ink is fresh and on

top of all the folds of the paper, above the dirt and fly specks, and there appears no break in the writing across the folds of the paper as would have been the case if it were an old paper. Your attention is also invited to the fact that the signature of T. J. McGhee is across the impression of the seal, and the impression of the seal was not made after it was written. There is not the slightest doubt but that this piece of paper upon which this license was issued was up until a few days ago a part of some other paper from which it has been separated which had the impression of the seal upon it and was seized upon by the applicant and ex-Clerk upon which to write this license.

We call attention to this fact for the purpose of showing the methods used by the applicant in this case, and for the purpose of showing what weight should be given to his testimony ~~[illegible]~~ both as to the treatment of his wife and to his present residence in the light of the testimony developed on cross examination that he was residing at Galena, Kansas, and the return notice sent him by the Commission and the representative of the Cherokee Nation.

Respectfully submitted,

Attorney for the Cherokee Nation.

W. T. .

Cherokee D-820.

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

In the matter of the application for the enrollment of James H. Akin as a citizen by intermarriage of the Cherokee Nation.

# D E C I S I O N.

The record in this case shows that on October 4,1900, James H. Akin appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 28,1902.

The evidence shows that the said James H. Akin was lawfully married to his wife, Fannie C. Akin, formerly Fannie Pool, a citizen by blood of the Cherokee Nation on June 16,1880 under the authority of a Cherokee marriage license.

The said James H. Akin is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1896 census roll of the Cherokee Nation.

It appears that the said James H. Akin lived with his said wife, Fannie, until about three years next before the application herein; that they then separated, and that on November 12,1898 his said wife obtained a divorce.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section seventy-four of Article fifteen of the Compiled Laws of the Cherokee Nation,1880, page 877, provides,

> "Every person who shall marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation". (See Compiled Laws 1892, Sec.667.)

It is, therefore, the opinion of this Commission that the said James H. Akin abandoned his wife within the meaning of the section of the Cherokee Law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

( Copy )

Cherokee D.520.

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Department of the Interior,

Commission

To The

Five Civilized Tribes.

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In the Matter of the Application of James H.Akin for Enrollment as a Citizen of the Cherokee Nation.

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Specification of Errors.

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Department of the Interior
Received
Oct. 10 1902
Enc.No.1 of No.6200
Indian Territory Division.

George B.Denison,

Attorney for Applicant.

( Copy )

Cherokee D.520.

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

In the Matter of the Enrollment of James H. Akin as a Citizen by Marriage of the Cherokee Nation.

Specifications of Error.

Now comes the said James H. Akin, the applicant for enrollment above named and alleges that there were many and serious and divers errors committed by The Commission to the Five Civilized Tribes in the decision by it made in the matter of his enrollment, in the decision made by it on the Twentieth day of September, 1902, and among them the following, viz:

First :- It was error not to consider the marriage that had occurred between the applicant and Fannie Akin, nee Pool, in the State of Arkansas before the marriage in the Cherokee Nation and from which marriage alone the said Fannie Akin was set free by her decree of divorce.

Second :- It was error to hold that a decree of divorce from the bands of matrimony performed and entered into in Arkansas furnished any evidence whatever of the annulment of the marriage relations entered into in the Cherokee Nation under the laws of that Nation.

Third :- It was error to hold that the decree of divorce in this case was evidence of abandonment under the Cherokee law.

Fourth :- It was error to find that the applicant had been guilty of " abandonment " when there was absolutely no evidence of any kind before the Commission

upon which it could base such a finding.

Fifth :- It was error to assume that The Commission To The Five Civilized Tribes could declare a forfeiture of the rights of the applicant, and the action in so declaring was without any authority of law and was in direct violation of all law, both the law of the United States and of the Cherokee Nation.

Sixth :- It was error to decide that the Commission should in this case consider the provision of Section twenty-one of the Act of Congress, approved June 28, 1898, viz: ". . . with such intermarried white persons as may be entitled to citizenship under Cherokee laws," because the proof showed and the Commission had found that the applicant was duly enrolled as such citizen of the Nation on both the Roll of 1880 and 1896, and said provision in nowise applied to the applicant.

Seventh :- It was error on the part of the Commission to decide that the applicant had " abandoned his wife within the meaning of the section of the Cherokee Law above quoted "( Sec. 667 Comp. Laws Cher. Na. 1892) "and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied," when there was absolutely no proof before the Commission upon the subject, and the only proof before it was a copy of the decree of a United States Court annulling a marriage that had taken place in Arkansas, and the Cherokee marriage remained in full force and effect, and had taken place at a later date than the one annulled.

And for these and many and divers other errors apparent upon the record the said applicant prays that his application for enrollment may be reviewed by the Honorable Secretary of the Interior as the laws provide and that the decision of the Commission to the Five Civilized

Tribes in this case may be set aside and annulled and the said applicant duly enrolled as a citizen by intermarriage of the Cherokee Nation as by law he is entitled to be enrolled and that such directions and orders be made in the premises as is meet and proper.

George B. Denison

Attorney for the Applicant.

In re

Application of James H. Akin

for Enrollment as an Adopted

Citizen of the Cherokee Nation.

[illegible] BRIEF FOR [illegible].

The applicant has specified seven grounds of error on the part of the Dawes Commission in this hearing, all of which have been argued in the brief of George B. Denison, esq. In this brief we will consider only the third and fifth specifications of error, which are as follows:

"Third. It was error to hold that the decree of divorce in this case was evidence of abandonment under the Cherokee law."

"Fifth. It was error to assume that the Commission to the Five Civilized Tribes could declare a forfeiture of the rights of the applicant, and the action in so declaring was without any authority of law."

The finding of facts and opinion of the Dawes Commission is as follows:

"The evidence shows that the said James H. Akin was lawfully married to his wife, Fannie C. Akin, formerly Fannie Cool, a citizen by blood of the Cherokee Nation on June 16, 1880 under the authority of a Cherokee marriage license.

The said James H. Akin is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1896 census roll of the Cherokee Nation.

It appears that the said James H. Akin lived with his said wife, Fannie, until about three years next before the application herein; that they then separated, and that on November 12, 1898 his said wife obtained a divorce.

Section twenty-one of the Act of Congress, approved June [illegible], 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section seventy-four of Article fifteen of the Compiled Laws of the Cherokee Nation, 1892, page 277, provides:

"Every person who shall marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation." (See Compiled Laws 1892, Sec. 667.)

It is, therefore, the opinion of this Commission that the said James H. Akin abandoned his wife within the meaning of the section of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered."

If the above citation from the Cherokee act contained

the whole of that act on the subject perhaps the Dawes Commission would be justified in considering testimony tending to show that applicant abandoned his wife; but section 669, Cherokee Compiled Laws, a part of the same act, provides how persons who are charged with the offense mentioned in section 667 shall be tried. It provides a particular form in which the proceeding shall be instituted. It provides a particular form of proceeding. It gives to the defendant the right of a jury trial. Section 668 provides as follows:

"The Circuit Court shall have authority to hear and determine all cases that may be brought before it by any person, or by the solicitor of the district wherein it may be alleged that a citizen of the United States, or of any other government, adopted by intermarriage under the laws of the Cherokee Nation, has forfeited his rights to citizenship in said Nation by acts which declare such forfeiture. Proceedings in such cases shall be by citation if the party be resident in the Cherokee Nation, or by thirty days notice of such proceedings in the Cherokee Advocate and be conducted as are civil suits before such courts. On the finding of verdict by the jury against such person, it shall be the duty of the clerk of the court to notify the Principal Chief of such finding, and it shall be the duty of the Principal Chief to make known such finding to, and call on, the United States Indian Agent for the removal of such person beyond the limits of the Cherokee Nation. It shall not be lawful thereafter for any clerk to issue a marriage license, or permit to reside in the Cherokee Nation, in any capacity whatever, to any person so declared to have forfeited his rights to citizenship in the Cherokee Nation."

It should scarcely be necessary to cite authorities in support of the proposition of law that where a forfeiture or penalty is prescribed in an act, and where the same act prescribes a mode of proceeding by which such forfeiture or penalty is to be declared or enforced, the proceeding prescribed is exclusive, and no other proceeding is lawful. Nevertheless the following authorities are submitted.

Potter's Dwarris on Statutes, p. 275, note 5 and cases cited.
Bait's Actions & Defenses, Vol. 2, p. 169, Sec. 16.
Also Vol. 1, p. 42, Sec. 5.
Endlich on Interpretation of Statutes, Sec. 455, note 71.
[illegible] Co. vs. Tel. Co., 113 U. S., 506, 510.

Section 668 not only directs the manner of proceedure, but it also names the particular court in which the proceeding

must be brought.

"If the enforcing tribunal is specified, the designation forms part of the remedy and all others are excluded."
Potter's Dwarris on Statutes, p. 270, note 5.
Dudley vs. Mayhew, 3 N. Y. R., 9.
Almy vs. Harris, 5 John, 175.
Miller vs. Taylor, 4 Burr., 2332.
Smith vs. Rockwood, 13 Barb., 209.

Under Cherokee law, therefore, there was but one way by which applicant's citizenship might be declared forfeited, that is, by the proceeding named in section 809 and by the court named in that section. Since there is no evidence of any such proceeding having been instituted against this applicant in that court he has not forfeited his rights of citizenship and is entitled to citizenship under Cherokee law. This proposition we deem so elemental as not to need further argument.

The Dawes Commission is directed in section 21 of the Curtis Act to enroll all persons whose names appear on the roll of 1880. This has been held by the Department, we understand, to be mandatory, in which case applicant should be enrolled. That the phrase "with such intermarried white persons as may be entitled to citizenship under Cherokee laws" applies only to "persons whose names are found on any other rolls" is clear from the reading of section 21; but even if that phrase be held to include persons on the roll of 1880, applicant is entitled to enrollment because he is an "intermarried white person" "entitled to citizenship under Cherokee laws."

We fail to see how any person can come to any conclusion but that the Dawes Commission exceeded the jurisdiction given to it by Congress when it undertook to investigate this question under Cherokee law, for even if Congress had intended the Commission so to do, then Congress has failed to provide it with the means. The Commission has no authority to issue a citation or to conduct the case as civil suits are conducted before the circuit court. It has no jury. No proceeding

has been brought before it by any person or by the solicitor of the district. In fact, although the Cherokee law provides in section 669 the only way by which the forfeiture mentioned in section 667 is to be enforced, none of those things prescribed by section 669 have been or could have been done.

Certainly it is not necessary to cite authorities to show that one remains a citizen of a nation or state until his citizenship becomes forfeit or he acquires a new citizenship inconsistent with the former. We respectfully submit, therefore, that the Dawes Commission committed error in refusing to enroll this applicant and that the Interior Department should reverse that holding and direct the Dawes Commission to reverse that decision.

Respectfully submitted,

Harry S Kingball
Wm Henry White
A B Leake
Ord McCullom
Attorneys for applicant.

C.D. 520

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 ....., 190 .

.....

Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

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.

# NOTICE!

*IN THE MATTER OF* the application of James H. Akin for enrollment as Cherokee citizens:

Case No. D 520

To James H. Akin, Galena, Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 28th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of February, 1902.

N. N. Hastings

Attorneys for the Cherokee Nation.

ATTORNEYS
L. H. BEIL,
W. W. [illegible]NGS
J. S. DA[illegible]ORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Muskogee, I. T., Feb. 14, 1902.

Mr. T. A. Chandler,

Vinita, I. T.

Dear Sir: Please send us a certified copy of the Master Report in the case of #710, Equity, Fannie C. Akin vs. James H. Akin.

Send us your bill for the same also and we will be pleased to remit. Please furnish us this copy at your earliest convenience as our case is set for final hearing by the Dawes Commission within a few days.

Yours very truly,

J C Starr

Dear Sir:-

I can not furnish you the desired report for the reason that the papers in No 710 are not in this office, neither have they been in this office since I have had charge of it. They seem to have disappeared while Anderson was Deputy. I have had quite a number of inquiries about them.

Yours Truly,

T A Chandler
D. C.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALFSON J. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 520.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of James H. Akin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 41.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON APPLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 520.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting the application of James H. Akin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 12, 1902.

Respectfully,

Acting Chairman.

( COPY )

D.C.53174-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 1554-1903. November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of January 24, 1903, relative to the Cherokee enrolment case of James H. Aiken, applicant for enrolment as an intermarried citizen of the Cherokee Nation, you are advised that in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, a motion to reopen the case, of which you were advised, is denied.

The Indian Office will advise the local attorneys hereof.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the commissioner
of Indian Affairs.

15 inc. for Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
R 782

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

Muskogee, Indian Territory, December 14, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Referring to the application for the enrollment of James H. Akin as a citizen by intermarriage of the Cherokee Nation, you are advised that a motion for a re-opening of said case was denied by the Secretary of the Interior on November 30, 1906.

For your information a copy of the Departmental letter referred to is herewith enclosed.

Respectfully,

Commissioner

Encl. B-77

D 520

IN THE MATTER OF THE APPLICATION OF

James H. Olson

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A Original testimony of 10/1/0

B Memo of application of 10/1/0

C Certified copy of decree of Court in divo

D. Certified copy of citation on divorce in Ct.

E Proof of service of notice 2/28/0

F Notice of final consideration, 2/28/0

G.

H. Certified copy of amended complaint in divorce case, Ct.

I. Marriage certificate

J. Supplemental testimony and order closing testimony, Feb. 28, 1902

K. Brief for applicant

L.

M.

Cher D 521

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 4, 1906.

In the matter of the application of Lula Pearl Waddle for the enrollment of herself as a Cherokee by blood and her husband as a Cherokee by intermarriage. Being sworn and examined by Commissioner Breckenridge, she testified as follows:

Q Give me your name, please? A Lula Pearl Waddle.
Q How old are you? A 28 years old.
Q What is your post office? A Albia Switch.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll, yourself? A Myself and husband and two children.
Q Are you a Cherokee by blood? A Yes, sir.
Q Your husband a white man or a Cherokee? A He is a white man.
Q How long have you lived in the Cherokee Nation? A Ever since I was a child.
Q Have you lived here all your life? A No, sir, I came here in 1884.
Q You have lived here then since 1884? A Yes, sir.
Q Were you admitted to citizenship by the Cherokee Commission?
A I reckon so.
Q Have you a certificate of your admission? A I don't know, I have all papers here.
Q Give me the name of your father? A L. H. Doughitt.
Q Is he alive or dead? A He is living.
Q The name of your mother? A Nancy G. Doughitt.
Q Is she alive or dead? A She is alive.
Q How long has she been dead? A 30 years.
Q What was your mother's maiden name? A Dawson.
Q Mary California Dawson, is that right? A Yes, sir.
(The applicant presents an official certificate showing that in January, 1883, certain persons were admitted to Cherokee citizenship.)
Q Is your mother's name on this list, this paper? A I don't know.
Q For what purpose do you hand me this paper? A That is my grandfather.
Q What is his name? A E. Dawson.
Q Elbert Dawson? A Yes, sir.
(The name of Elbert Dawson is found on the paper.)
Q What was the name of Elbert Dawson's wife? A Mary Jane Dawson.
Q Do you claim that her name is on this paper? A My whole family. [illegible] it to me, I haven't looked at it, he is right here as a witness.

Francis Marion Dawson, being sworn and examined by Commissioner Breckenridge, testified as follows:
A Give me your name? A Francis Marion Dawson.
Q How old are you? A I am 59 years old.
Q What is your post office? A Oseola.
Q Are you the uncle of this lady here, Lula Pearl Waddle? A Yes, she is my brother's daughter.
Q She has handed us a paper here, showing that certain people were admitted to citizenship in 1883, and on that appears the name of Elbert Dawson; what is the name of your father, was it? A No, sir, that is my brother.
Q Was his wife admitted at the same time he was? A No, sir.
Q Then you don't pretend that her name is on this, do you?
A No, sir, her name is not on this paper.
Q There is a Jane Dawson here, but that is not his wife? A No, sir, that is my sister.
Q The name of the father of this woman is not on this paper?
A No, sir.
(This paper is ~~exhibited~~ accepted as official evidence of the admission

mission of the applicant's grandfather as stated, Albert Dawson.)

Lula Pearl Weddle, recalled, testified:

Q Is your mother was here, dead 20 years Mrs. was dead before this paper was issued? A She died in 1920.

(The admission states that the persons admitted were entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and they were admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.)

Q Now you were here in 1884, did you? A Yes, sir.

Q And have lived here ever since? A Yes, sir.

Q Give me the name of your husband? A Hiram F. Weddle.

Q How old is he? A He is 38 years old.

Q Have you his marriage license and certificate? A No, sir, I have no living witness to my marriage but one.

Q Did he get out a Cherokee license? A Yes, sir.

Q Why hasn't he got it? A It got misplaced in some way.

Q In what district did he get that out? A Delaware.

Q When were you married? A In 1895.

Q What time in 1895? A January 9.

Q Has he lived with you ever since you were married? A Yes, sir.

Q Give me the names of your children, please? A Curtis, 4 years old next January.

Q What is the name of the next one? A Morris Owen, 2 years old next April.

Q Have you a certificate of the birth of each of these children?

A Yes, sir.

Q Did you ever apply to the Dawes Commission to have one of our children put on a roll? A We paid Judge Dennison to have one of our children put on.

Francis Marion Dawson, recalled, testified:

Q Do you know whether your family ever applied to the Dawes Commission for admission? A No, sir, they went down to the Dawes Commission to see if we were on this 1896 roll.

Q You never made application? A No, sir.

Q This certificate of admission appears to have been used in the United States Court; for what purpose was it in the United States Court in 1895? A It was simply recorded; I had that done myself.

(Lula Pearl Weddle on 1896 roll, page 553, No. 3412, Lula F. Weddle, Delaware district. Hiram F. Weddle on 1896 roll, page 608, No. 586, Delaware district.)

Q Do you know about your niece being her dad to her husband, Hiram F. Weddle? A I know this much, I was at the Court House and John Duncan was Clerk and her husband came over there to get a license to marry, and Duncan told me he issued the license.

Q You never really were at the marriage? A I heard of it.

Q Have they been living together ever since as husband and wife?

A Yes, sir.

The applicant presents an official certificate of admission of her grandfather to Cherokee citizenship as set forth in the testimony in 1868. She states that she came to the Cherokee Nation in 1884 and has lived here ever since. She is identified under her married name on the roll of 1896 as a native Cherokee. Her marriage and consequent change of name is established by her own and her uncle's testimony. For the further consideration of the rights conveyed to her by the certificate of admission referred to her, her application will at present be placed upon a doubtful card, and the final decision of the Commission will be communicated to you. When she supplies the Commission with certificates of birth of her two children named in the testimony, they also will be placed upon a doubtful card with her as Cherokees by blood. She states that her husband, identified with her on the roll of 1896, was married to her in January, 1895, in

75

Lula Pearl Weddle - 3.

accordance with Cherokee law, and that he has lived with her in the Cherokee Nation ever since their marriage. She is not able to supply the Commission with a marriage license and certificate at this time. She is desired to supply the Commission with said license and certificate or with a copy of the official record relating thereto. He will be placed upon a doubtful card to await this testimony, as well as for the determination of the rights of his wife, through whom he claims.

xxxxxxxxxxxxxx

(The printed record of the Cherokee Nation shows that a Lula Dauthitt was admitted by the Cherokee Commission September 15, 1884.)

Q Do you think that could have been your name? A Yes, sir.

Q Do you think you were admitted yourself at that time?

A No, I was just a child.

Q That doesn't keep you from thinking that is or isn't your name? A That is my name.

Q Did you have a brother named Dallas? A Yes, sir.

(His name is mentioned with that of the applicant.)

You are desired to supply the Commission with an official copy of your certificate of admission by your maiden name as just set forth.

……

Now come the representatives of the Cherokee Nation and protest against the enrollment of this applicant, alleging that if she was admitted, she obtained her admission by fraud.

……

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 October, 1900.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 3 1902

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

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

Notary Public.

8521

Cherokee D 521.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 14, 1902.

In the matter of the application of Hiram F. Weddle for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lula P. Weddle, and his two minor children, Curtis and Morris O. Weddle, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

Dawson Case.

HIRAM F. WEDDLE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Hiram F. Weddle.
Q What's your age at this time? A Thirty-five years old.
Q Thirty-five? A Yes, sir.
Q What's your postoffice? A Albia, I. T.
Q Are you the same Hiram F. Weddle that applied to the Commission in October, 1900, for enrollment as an intermarried citizen?
A Yes, sir.
Q Your age, Mr. Weddle, at that time was put down at twenty-three, was that a mistake, instead of thirty-three? A I think it must have been a mistake. My wife, I guess, give it in.
Q What is your wife's name? A Lula P. I think is the way it is on the roll.
Q Is she a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to your wife, Lula P.? A January, '95, ninth of.
Q Ninth of January, '95? A Yes, sir.
Q Were you married under Cherokee license to her? A Yes, sir.
Q Have you filed that license with the Commission? A Yes, sir.
Q Were you ever married before you were married to Lula P.?
A No, sir.
Q Was she ever married before she married you? A No, sir.
Q Have you and she lived together as husband and wife since your marriage in '95 up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together on the first day of September, 1902, as husband and wife? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time since your marriage in '95 up to the present time? A Yes, sir.
Q How long has your wife, Lula P., lived in the Cherokee Nation?
A Ever since '84.
Q All the time since '84? A Yes, sir.
Q Are these two children, Curtis and Morris O., your children by your wife, Lula P.? A Yes, sir.
Q Both living at this time? A There ought to be another on there, Roy.
Q Have these two children lived in the Cherokee Nation all their lives? A Yes, sir.
Q When was the other child born? A Born June 29th.

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

Retta Chick

Subscribed and sworn to before me this 31st day of October, 1902.

B O Jones
Notary Public.

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CHEROKEE. D. 521

Nancy [illegible] et al.

[illegible] 1 to 5 incl.
transmitted to Cherokee [illegible]

OCT 26 1907

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

FOR ENROLLMENT AS
CHEROKEE CITIZENS

Wife no number of [illegible]
[illegible]

Cher D 522

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

In the matter of the application of William Dallas Douthitt for enrollment as a Cherokee by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A William Dallas Douthitt.
Q How old are you? A 21.
Q What is your post office address? A Afton.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself.
Q Do you claim as a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Since 1884.
Q Do you claim to have been admitted by the Cherokee Commission in 1884? A Yes, sir.
Q Do you claim that you were admitted as Dallas Douthitt? A Yes, sir, William Douthitt.
Q You have a sister named Lulu? A Yes, sir.
Q She was admitted at the same time you were, was she? A Yes, sir.
Q Have you a certificate of your admission? A Yes, sir, that is my grandfather's.
Q This is a certificate relating to what your sister claims is the admission of your grandfather; this is not your certificate. You have lived in the Cherokee Nation ever since you were admitted in 1884? A Yes, sir.
Q Give me the name of your father? A Lee Roy Douthitt.
Q Dead or alive? A He is alive.
Q The name of your mother? A Nancy California.
Q She dead or alive? A She is dead.
(On 1896 roll, page 464, No. 889, William Dallas Douthitt, Delaware district.)
(Comes now the representative of the Cherokee Nation and protest against the enrollment of this applicant, on ground that he obtained his admission by fraud.)

Commissioner Breckinridge: The applicant claims to have been admitted to Cherokee citizenship in 1884. He is identified on the roll of 1896 as a native Cherokee, he claims that he has lived in the Cherokee Nation ever since his admission in 1884. The Cherokee representative present protests against his enrollment upon the ground that his admission was obtained by fraud. For the further consideration of this matter, and also to avoid the original copy of the certificate of admission, the application will be placed upon a doubtful card.

---

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above entitled matter, and the foregoing is a true and complete transcript of his stenographic notes thereon.

Sworn to and subscribed before me this [illegible]

[illegible]

CHEROKEE. D 522

William D. Lathall

April 12, 1904. Cancelled and Now to be transferred to Cherokee 1076.

COPY OF TESTIMONY FILED WITH THE CHEROKEE NATION.

Jul 1 1894

ENROLLMENT AS

CHEROKEE CITIZENS

Member of Dawson family

Cher D 523

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1900.

In the matter of the application of Dora M. Franklin for enrollment as a citizen of the Cherokee Nation; said Franklin being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Dora M. Franklin.
Q What is your age? A 22.
Q What is your post office address? A Vinita.
Q What district do you live in? Q Cooweescoowee.
Q Are you a recognized citizen by blood? No, sir.
Q What is the name of your father? A G. W. Franklin and he claims his right through the Treaty between the Shawnees and Cherokees--Treaty of '69.
Q What is your mother's name? A Veranda.
Q Is she living? A Yes, sir.
Q You say your father's name if G. W.? A G. W. Franklin.
Q You say your father claims citizenship A Through the Treaty between the Cherokees and Shawnee, Treaty of '69.
Q Was your mother white woman?A Yes, sir.

1896 enrollment; page 342, #180, Dora M. Franklin, Cooweescoowee.

Q Your name on the roll of 1880? A I do not know.

Com'r Needles:--The name of Dora M. Franklin appears upon the census roll of 1896. She claimsher citizenship through her father, George W. Franklin, whose name will be found on "D" Card #616. Said George W. Franklin being a white man, and her mother, Veranda, wife of said George W. Franklin, being a white woman. For further particulars as to the status of her case, see testimony of George W. Franklin, D Card #616. Satisfactory proof not being given to her citizenship, final judgment as to her application will be suspended, and her name will be placed upon a doubtful card.

---oooOOO oo---

J. O. Rasson, 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 Rasson

Subscribed and sworn to before me this 9th day of October, 1900.

T B Needles

Commissioner.

BY MR. MELLETTE:

Q Mr. Franklin, in the certified copy of your marriage license you filed in your case your residence is put down as Johnson County, Kansas; how did that happen? A Why when I went to marry up there my wife lived there and I courted her mostly by letter, and went up occasionally, and I went up there to marry and there was a friend of mine I asked to go to Olathe Kansas and get the license, and he went and got the license, and he went on the 9th and got the license for me and I married on the 10th, and I just handed them ~~license~~ over to the preacher and I never did see them any more and I never saw how they was written.

Q You was not living in Johnson County at that time? A No sir, I was not. I sent a man after the license and I don't know how he happened to have it put in that way; I never looked at them to see how they was written; I supposed they was all right, and I handed them to the preacher without examining them at all, and I married her ~~xx~~ the same day.

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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.

(signed) W.D.Green.

Subscribed and sworn to before me this February 27, 1902.

(signed) T.B.Needles, Commissioner.

-- --

I, W.D.Green, do hereby certify that I am a stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that same is a true and complete copy of the original transcript

File with Dora M. Franklin, D- 523, (Cherokee)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 4,1900.

In the matter of the application of George W. Franklin for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Franklin being sworn by Commissioner Needles, testified as follows:

Q What is your name? A George W. Franklin.
Q Whatis your age? A 64.
Q Your postoffice? A Vinita.
Q What district do you live in?A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood or intermarriage? A I am a Cherokee-Shawnee under agreement between the Cherokees and Shawnees of '69, but of white blood.
Q Who do you desire to enroll? A Myself, wife and minor children.
Q Whatis your wife's name? A Viranda.
Q What is her age? A About 43.
Q Is she a citizen by blood? A No sir.
Q When did you marry your present wife? A In '74.
Q What are the names of your children under 21 years of age living at home withyou? A George W. Jr., 20 years old.
On '96 roll, page 342, number 181, as George W.
On Cherokee-Shawnee pay roll of '96 page 16, number 324,
Q Next? A Hattie M., 19 years old.
On '96 roll, page 342, number 182.
On Cherokee-Shawnee pay-roll of '96, page 16,number 324.
Q Next? A ~~Hattie M.~~ Jessie M., 12 years old.
On '96 roll, page 342 number 183.
On Cherokee-Shawnee pay-roll of '96, ~~page 16, number 325~~,page 16 number 326.
Q Next? A Basil W., 6 years old.
On Cherokee Shawnee pay roll of '96, number 16 page 327
On '96 roll page 342 Number 184.
Q Are these children alive and living with you? A Yes.
Q How long have you lived in the Cherokee Nation? A I arrived in the Cherokee Nation on the 13th day of October,1870, with my family and have benhere ever since.-- been living here ever since.
Applicant on '96 roll, page 342, number 176.
Applicant's wife on '96 roll, page 342, number 177.
Applicant on Cherokee-Shawnee pay-roll of '96,page 16, number 322.
Q You say you married in '74? A I married the first time in '57, and married my present wife in '74.
Q Is your present wife the mother of these childreh?A Yes, and they were all born in this country.

The names of George W. Franklin and his wife and children as enumerated in the testimony are found upon the census roll of '96. They are also found upon the pay-roll of the Shawnees in '96. Their names are not found upon the ~~pay-roll~~ authenticated roll of '80. The records show that in the record of the register of names of the Shawnees tribe of Indians removed to and located in the Cherokee Nation in accordance with the 15th article of the Cherokee treaty with the U.S. proclaimed August 11,1866, is found the name of George Franklin and Louisa, said Louisa being now deceased. The averments show that in the year '74 the said applicant, George W. Franklin married a white woman named Viranda White, who is the mother of the children applied for. According to the laws of the Cherokee Nation providing that citizens who intermarry with white citizens after death of their former wives, who were admitted to citizenship shall receive no benefits or be regarded as citizens of the Cherokee Nation. The said George W. Franklin and his wife, Viranda, are not enrolled on the authenticated roll of '80, and are not recognized by

the Cherokee Nation as citizens; in other words, the said George W. Franklin has married out. He avers, however, that he stands in the attitude of a Cherokee citizen of Shawnee blood, which averment is denied by the representatives of the Cherokee Nation; consequently final judgment as to the enrollment of the said George W. Franklin, his wife, and children, will be suspended, and their names placed upon a doubtful card.

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

(signed) B. McDonald,

Subscribed and sworn to before me this 5th day of October, 1900.

(signed C.R.Breckinridge,
Commissioner.

---

Department of the Interir,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 5, 1900.

In the matter of the application of George Franklin for the enrollment of himself and family as Cherokees;
Thomas Daugherty being sworn and examined by Commissioner Breckinridge testified as follows:

EXAMINED BY ATTORNEY MELLETTE:

Q What is your name? A Thomas Daugherty.
Q To what Indian Tribe do you belong? A Shawnee.
Q What is your age? A About 51.
Q Do you know George Franklin who has applied to this Commission for enrollment? A Yes sir.
Q Is he the George Franklin whose name appears upon the roll of 772 Shawnees who immigrated to the Cherokee Nation? A Yes sir.
Q Under the agreement between the Shawnee Tribe of Indians and the Cherokees? A Yes sir.
Q When did you come to the Cherokee Nation, as a member of the Shawnee Tribe? A About 1870 or 1871.
Q Do you know when George Franklin came to the Cherokee Nation? A I think he came about 1870.
Q Was he here when you came to the Cherokee Nation? A Yes sir.

STEPHEN BLUEJACKET, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Stephen Bluejacket.
Q How old are you? A 62.
Q What is your post-office? A Vinita.

Examined by Attorney Mellette:

Q Are you acquainted with George Franklin who applied for the enrollment of himself and family on yesterday? A Yes sir.
Q Is he the George Franklin whose name appears upon the roll of 772 Shawnees who came to this country under the agreement with the Cherokees? A Same person.
Q When did George Franklin come to the Cherokee Nation? A Sometime in 1870. Come ahead of me; I came in 1871 and he was here when I came.

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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 5th day of October, 1900.

(signed)C.R.Breckinridge, Commissioner.

"R"

Cherokee D 516

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of George W. Franklin for the enrollment of his wife and children as Cherokee citizens.

Appearances:
Mr. Mellette, of Mellette & Smith, Vinita,I.T., attorneys for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorneys were notified by registered letter February 11, that this case would be taken up bythe Commission February 25,1902, for final consideration. The applicant this day appears by his attorneys Mellette & Smith, Vinita, I. T.

GEORGE W. FRANKLIN, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A George W. Franklin.
Q What is your age? A Age is 65, nearly 66.
Q Where do you live? A Vinita, Indian Territory, Cherokee Nation.
Q When did you move to the Cherokee Nation? A I moved in the fall of '70 in October.
Q Where did you come from? A Come from Shawnee Reserve, in Kansas, near the old Shawneetown.
Q How long had you lived on the Shawnee Reserve in Kansas before you came to the Indian Territory? A I came to the Shawnee Reserve in 1856, and from the fall of '56 until I left there it was my home all the time, only when I would go away and come back; I would probably be away six or eight months and come back again.
Q When were you married to your present wife? A Married March 10, 1874.
Q Where were you living at the time you married her? A I was living on a place about a mile and a half from Vinita, on a place known now as Jim Till place.
Q Living in the Cherokee Nation? A Yes sir.
Q Since you came to the Cherokee Nation with the Shawnees in the fall of '70 have you ever lived ~~away any length of time~~ outside of it? A I never have; been out and back but never was away any length of time.
Q Where were you married to your present wife? A I was married to her in Shawneetown, right where I used to live, the first station on the railroad going in there.
Q Where is that, in Kansas or the Indian Territory? A It is in Kansas, and it is about nine milesthis side of Kansas City
Q Where did you go from when you went to marry your wife, at that place? A I went from Vinita, from the place I then lived on.
Q Where is Vinita? A In the Cherokee Nation.
Q Have you a livense that was granted to you when you married your present wife? A Yes sir.
Q Please hand it to the Commissioner.
(Applicant produces papers.)
BY COMMISSION: There is offered in evidence a certified copy of the marriage license issued by G. F. Hendrickson Probate Judge, County of Johnson, State of Kansas, on the 9th day of March,1874, authorizing the marriage of George W. Frank lin to Veranda White, and a certificate showing that they were married by D. G. Campbell, Minister of the Gospel,on the 10th day of March,1874. And same is filed herewith.
BY MR. MELLETTE:

Q When you married under this license where did you bring your wife? A I brought her that same evening that we was married to Vinita, Cherokee Nation, and next morning I went out to my farm.
Q Where were your children born whom you have applied for here? A They were all born in the Cherokee Nation.

BY MR. HASTINGS:

Q Mr. Franklin, you are a white man yourself? A I don't claim to be anything but white blood.
Q Your wife is a white woman? A Yes. She is a white woman; I never have disputed that.
Q Neither of your names appear upon the roll of 1880? A We were here, but it seems from what you say that they don't appear there; I thought they ought to appear on all the rolls.
Q They are not found on that roll. A That is that the attorneys says; I haven't had access to them, but I know we were living here at that time, because one of my children were born in '80, George.
Q You don't claim to have any Indian blood do you? A No sir.
Q Your wife don't claim it? A No sir.
Q And therefore there is no Indian blood in your children? A No sir.

C.C.CORNATZER, being first duly sworn, and being examined testified as follows:

BY MR. MELLETTE:

Q What is your name? A C.C.Cornatzer.
Q Where do you live? A Vinita, Indian Territory.
Q What is your age? A About 47.
Q Do youknow the applicant, George W. Franklin? A Yes sir.
Q How long have you known him? A Ever since I could recollect.
Q Where did you first know him? A In Kansas.
Q Whereabouts in Kansas? A Johnson County.
Q What people live there? A Shawnee Indians.
Q What is called now the Shawnee Reservation? A Yes sir.
Q Are you a Shawnee Indian by blood? A Yes sir.
Q Citizen of the Cherokee Nation are you? A Yes sir.
Q Do you remember where Mr. Franklin was living when he married his present wife? A He was living at Vinita, town of Vinita.Cherokee Nation.
Q How long had he been living at Vinita? A I couldn't tell you how long.
Q You know when he came from Kansas to the Cherokee Nation? A Yes sir, he came from Kansas in '70; moved down.
Q Since xxx he came here in '70 where had he lived? A Round about Vinita.
Q I mean what country has he livedin? A Cherokee Nation.

BY MR. HASTINGS:

Q He is a white man himself? A Yes sir.
Q His wife is a white woman? A Yes sir.

BY MR. MELLETTE:

I want to introduce two certificates of the nation as to the roll of Shawnees who came in '70 to the Cherokee Nation.

BY COMMISSION: The introduction of these certificates will be permitted, and copies thereof made part of the record and filed in this case.

The attorney for the applicant and the representative of the Cherokee Nation submit this case athe Commission for final consideration and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests 15 days in which to file brief in this case and his request will be complied with and he will be required to file one copy with the Representatives of the Cherokee Nation and one copy with the Commission.

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SUPPLEMENTAL: of same date as above.

Applicant, George W. Franklin, re-called for further examination.

BY MR. WHELPLEY:

Q Mr. Franklin, in the certified copy of your marriage license you filed in your case your residence is put down as Johnson County, Kansas; how did that happen? A Why when I went to marry up there my wife lived there and I courted her mostly by letter, and went up occasionally, and I went up there to marry and there was a friend of mine I asked to go to Olathe Kansas and get the license, and he went and got the license, and he went on the 9th and got the license for me and I married on the 16th, and I just handed themlicense over to the preacher and I never did see them any more and I never saw how they was written.

Q You was not living in Johnson County at that time? A No sir, I was not. I sent a man after the license and I don't know how he happened to have it put in that way; I never looked at them to see how they was written; I supposed they was all right, and I handed them to the preacher without examining them at a ll, and I married her in the same day.

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

(signed)M.D.Green.

Subscribed and sworn to before me this February 27,1902.

(signed) T.B.Needles, Commissioner.

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I,M.D.Green, do hereby certify that I m as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

[illegible]

"R"

Cherokee D 523

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Dora M. Franklin for enrollment as a Cherokee citizen;

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for the applicant, Vinita, I. T.
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12, that her case would be taken up for final consideration by the Commission on the 28th day of February 1902; receipt has been acknowledged of the Commission's letter to the applicant, and the applicant this day appears by her attorneys Mellette & Smith, Vinita, I.T.

GEORGE W. FRANKLIN , being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A George W. Franklin.
Q What is your age? A 65.
Q Where do you live? A Vinita, Indian Territory.
Q Do you know the applicant in this case, Dora Franklin? A Yes sir.
Q What relation is she to you? A My daughter.
Q Is your present wife? A By my present wife.
Q Where was she born? A She was born in the Cherokee Nation, near Vinita.
Q Where has she lived since her birth? A She has lived with me ever since except when she was at school, or away on a visit.

BY COMMISSION: It is directed that copies of all the testimony had in the matter of the application of the applicant's father, George W. Franklin, for the enrollment of himself, wife and children as citizensof the Cherokee Nation, Cherokee case No. D-816, be filed with and made part of the record in this case. The applicant's attorney and the representative of the Cherokee Nation present submit this case to the Commission for consideration and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file brief in this case with one copy with the Commission and one copy with the representatives of the Cherokee Nation.

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

M D Green

Subscribed and sworn to before me this February 27,1902.

Commissioner.

Cherokee Doubtful

No 6723

Dora Franklin

Brief

Copy for Cherokee Nation

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF DORA FRANKLIN, FOR [illegible] AS A CHEROKEE CITIZEN. [illegible] DOUBTFUL, P 516.

—BRIEF AND ARGUMENT FOR APPLICANT.—

The applicant in this case is the daughter of George W. Franklin, Cherokee Doubtful, P 516. She was born in the Indian Territory, as shown by the testimony and has lived here all her life. Her case depends upon the decision in her fathers case, and this case is submitted upon the brief in the fathers case.

Respectfully,

Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. May 8th 1902.

In the matter of the application of Dora Franklin for enrollment as a citizen of the Cherokee Nation of Shawnee blood.

No. Cherokee D/ 523.

Brief on Part of the Cherokee Nation.

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The applicant in this case is a daughter of George W. Franklin listed for enrollment on D Card # 516 ; both her father and mother are white people and lay no claim to citizenship in the Cherokee Nation because of their blood, she is old enough to appear upon the authenticated roll of 1880 and her name does not appear thereon and it must be presumed that the Cherokee National Council determined at that time that she was not entitled to enrollment and we contend that this Commission has no jurisdiction or authority to go behind the authenticated roll of 1880. Reference is made to her fathers case for a fuller discussion of the questions involved.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation.

J. C. S.

IN THE MATTER OF THE APPLICATION OF

Dora M. Franklin

FOR ENROLLMENT AS

CHEROKEE CITIZENS

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IN THE MATTER OF THE APPLICATION OF

Dora M. Franklin

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony of [illegible]

B. Memo of application of [illegible]

C. Notice of final consideration, [illegible]

D Supplemental testimony and order closing testimony, Feb. 25, 1902

E Brief of applicants

Copy [illegible]

Supplemental testimony from case of George W. Franklin et al, Oct. 7, 1900

See Cherokee Jacket 9576

April 16, 1904. Cancelled [illegible] No 1 transferred to [illegible] Cherokee 10780.

George C. Wood-2.

Q What degree of blood have you got? A Mother was eighth.
Father white man? A Yes, sir.

W. Hastings, Representative of the Cherokee Nation

Q Where do you live when you live here? A Pryor Creek.
Q Where is your farm? A South of Pryor Creek.
Q When did you acquire it? I have lived there all my life. My father improved it.
Q You inherited it from your father? A He lived on his own farm, and I live on it.
Q Is that your farm or your father's farm? A It is my farm; he turned it over to me.
Q Has he got any farm? A He has one of his own.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT [illegible] 1900
ACTING CHAIRMAN

Com'r Needles:--The name of George C. Wood appears upon the authenticated roll of 1880 and the census roll of 1896. He makes satisfactory proof of his marriage to Miss M. R. McDaniels in the year 1894, and her name appears upon the census roll of 1896. He claims he has one child, Leonard C., whose name does not appear upon said rol and he presents no certificate of birth. He avers that he resides in the State of Colorado and his wife and family are there now. Because of his residence, final judgment as to the enrollment of said George C. Wood and his wife, [illegible] . Woods, and his child, Leonard C. will be sus pended and their names will be placed upon a doubtful card.

APPLICANT:--When I went there my wife was not able to get up and for seven months they said she would not live. She has got the consumption and cannot live in this country.

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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 reported the testimony and proceedings in this case, and that the

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1900.

In the matter of the application of George G. Wood for the enrollment of himself, wife and children as citizens of the Cherokee nation; said Wood being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A George G. Wood.
Q What is your age? A Born in 1873.
Q What is your post office? A Pryor Creek.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q For whom do you apply for enrollment? A Myself, and family.
Q Are you a citizen by blood? A Yes, sir.
Q What is the name of your wife? A Ethel B.
Q Is she a citizen by blood? A No, sir, adopted.
Q Have you proof of marriage? (Hands papers to Commission)
Com'r Needles: Applicant presents satisfactory proof of marriage to one Miss E. B. McDaniel, on the seventh day of October, 1894.
Q She was a white woman is she? A Yes, sir.
Q You got any children? A One.
Q What is the name of it? A Leonard C.
Q How old? A Born in 1897.
Q Three yeas old? A Three years old.
Q Have you certificate of birth? A It is on the roll.

By W. W. Hastings, Representative of the Cherokee Nation:

Q What is your father's name? A M. R.
Q What is your mother's name? A Ailsy Jane.
Q 1880 enrollment; page 209, #3461, George Woods, Cooweescoowee.
1896 enrollment; page 290, #5391, George G. Wood, Cooweescoowee.
1896 enrollment; page330, #1100, Ethel Wheeler, Cooweescoowee.
Q This child is not on the roll? A It was put on at Claremore.
Com'r Needles:--You will have to get proof of birth.
Q Have you always lived in the Cherokee Nation ? A All except I left year before last for my wife's health.
Q How long were you gone? A Gone first, and come back.
Q Moved away and took you family with you? A I took her.
Q Where to? A Colorado.
Q Is she living? A Yes, sir. I took her and come back and went out to my place and then went back.
Q How long have you lived here since you come back the last time?
A I only come back a week or so.
Q You have not been living here for the last three or four or five years, have you? A Yes, sir, I have been here every year of my life.
Q Were you living here in 1893? A Yes, sir.
Q Have you property here? A Yes, sir.
Q Got a farm? Yes, sir.
Q Do you live in Colorado? A At present.

By W. W. Hastings, Representative of the Cherokee Nation:

Q You got no home in Colorado? A No, sir.
Q What do you do out there? A I have been teaming
Q You say that is entirely because of your wife's health? A Yes, sir
Q What is she troubled with? A Consumption.

By Commissioner Needles:

Q Were you born in the Cherokee Nation? A Born in Texas and come here when I was six months old.
Q You come here with your father's family? A I suppose so, I was six months old. He come here in 1874.

George G. Wood---2.

Q What degree of blood have you got? A Mother was eighth.
Q Father white man? A Yes, sir.

W.W.Hastings, Representative of the Cherokee Nation

Q Where do you live when you live here? A Pryor Creek.
Q Where is your farm? A South of Pryor Creek.
Q When did you acquire it? I have lived there all my life. My father improved it.
Q You inherited it from your father? A He lived on his own farm, and I live on it.
Q Is that your farm or your father's farm? A It is my farm he turned it over to me.
Q Has he got any farm? A He has one of his own.

Com'r Needles:--The name of George G. Wood appears upon the authenticated roll of 1880 and the census roll of 1896. He makes satisfacory proof of his marriage to Miss E. B. McDaniels in the year 1894, and her name appears upon the c nsus roll of 1896. He claims he has one child, Leonard C., whose name does not appear upon said rol and he presents no certificate of birth. He avers that he resides in the State of Colorado and his wife and family are there now. Becuase of his residence, final judgment as to the enrollment of said George G. Wood and his wife , Etha . Woods, and his child, Leonard C. will be sus pended and their names will be placed upon a doubtful card.

APPLICANT:--When I went there my wife was not able to get up and for seven months they said she would not live. She has got the Consumption and cannot live in this country.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony andproceedings in this case, and that the foregoing is a true and complete transcriptof his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 9th day of October, 1900.

C R Breaux

Commissioner.

D. 524.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of George G. Wood for the enrollment of himself, wife and child as citizens of the Cherokee Nation.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself, wife and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to wit the 28th day of February, 1902, appears in person.

GEORGE G. WOOD, the applicant, being first duly sworn, testified as follows:

COMMISSION: What is your name? A George G. Wood.
Q How old are you? A 28.
Q Your postoffice address? A Pryor Creek.
Q Are you an applicant before this Commission for enrollment as a citizen of the Cherokee Nation? A I was when they was at Vinita I think it was two years ago or something like that.
Q You then applied for yourself, wife and child? A Yes, sir.
Q Have you an affidavit as to the birth of this child, Leonard C. Wood? A Yes, sir, it is on file here, I have a statement from the doctor that attended.
COMMISSION: There was received, approved and filed by the Commission October 27, 1900, a duly executed affidavit as to the birth of Leonard C. Wood, the child of George G. Wood and Etha B. Wood.
Q What was the exact date of your departure for Colorado, do you remember? A I got there about the 6th of October.
Q What year? A I believe 1888.
Q 1888? A 1898 I mean, I was there two years and a half all told, two years and a half, I got there on the 6th day of October and I come back here——
Q 6th day of October, 1898? A I can't say whether it was 1898 or not, but I was gone two years and a half.
Q When did you come back? A Last July the last time.
Q July, 1901? A Yes, sir, first day, first of July.
Q Are you living in the Cherokee Nation at this time? A Yes, sir.
Q Is your wife here? A Yes, sir, she come here last May, left Pueblo for here the 6th day of last May.
Q Have you and she been residing here continuously ever since?
A Yes, sir.
Q You took her to Colorado for her health? A Yes, sir.
Q Is there any further statement you desire to make relative to this application? A I have a witness here as to why I left, a doctor, I have a statement to the Commission from Dr. King, of Pueblo.

J. E. BRISTOW, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Dr. J. E. Bristow.
Q Where do you live? A Pryor Creek, Indian Territory.
Q Are you acquainted with George G. Wood? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q How long have you known him? A 7 years.

Q Where has she lived during that time? A Tell the majority of that time she has lived around Prairy Creek.
Q Has she ever been away? A Yes, sir.
Q Where did she go? A Supposed to have gone to Prairie, Colorado.
Q Do you know what time that was? A I don't remember the exact date.
Q Do you remember the year? A I think it was in 1899, I am not positive.
Q How long did she remain there? A Something like two years.
Q For what purpose did she go? A Went away for her health, she had consumption.
Q Are you a doctor? A Yes, sir.
Q Were you waiting on her at that time? A Yes, sir.
Q (To applicant) Do you want to ask the witness any questions? A Yes, sir.

Applicant recalled:

COMMISSION: Do you own any property here in the Cherokee Nation now? A Yes, sir.
Q How long have you owned that property? A Why it come from my father, and he turned it over to me.
Q How long ago? A Why when I was twenty-one, it has been eight years in the fall.
Q Have you always held the property? A Yes, sir.
Q Is it in your possession at this time? A Yes, sir, always has been, I rented it every summer, I came back and rented it every summer.
Q Do you submit the case to the Commission? A Yes, sir.

The applicant and the representatives of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

—:—:—:—

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

Arthur G. Croninger

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

Commissioner.

FILED
MAY 2 1902

7284.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15, 1903.

In the matter of the application of Martha Stand for the enrollment of herself and child as citizens of the Cherokee Nation.

SUPPLEMENTAL TO 7284.

Applicants represented by S. S. Clover, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

THOMAS DAUGHERTY, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Thomas Daugherty.
Q How old are you, Mr. Daugherty? A 52 years old.
Q What is your postoffice address? A Vinita, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Are you a Shawnee? A Cherokee-Shawnee, yes, sir.
Q Are you acquainted with Martha Stand? A Yes, sir.
Q What was the name of her mother? A The name of her mother?
Q Yes, sir. A Let me see, Davit I think.
Q Is her mother living at this time? A No.
Q Laura Jacko isn't living, or Laura Davit? A No, sir.
Q When did she die? A I don't remember, it's been about a year or such a matter.
Q Now this Martha Stand, is she a Cherokee-Shawnee? A Yes, sir.
Q How long have you known her? A Oh I knowed her quite a while, ever since she was a girl.
Q Where was she living when you first became acquainted with her?
A Why she was living in Kansas.
Q When did she come to the Cherokee Nation? A Same time the Shawnees did.
Q In '71? A '70 or '71 sometime, some came in '70 and some in '71.
Q Where has she been living since that time? A Why she has lived on Caney up here a while.
Q In the Cherokee Nation? A In the Cherokee Nation, Coowescoowee District, and then she lived on White Oak until she died.
Q Is that also in the Cherokee Nation? A Yes, sir, also in the Cherokee Nation.
Q Have you known her continuously since the time she came here with the Shawnees? A Yes, sir, I think I have.
Q Where has she been living during all that time? A Well that's about all I know.
Q Has she always to the best of your knowledge lived in the Cherokee Nation since that time? A Yes, sir, I think so.
Q Is she living now? A No, sir, she died, I don't remember that date, but it's been -
Q She's died since this application was made? A Yes, sir, I think so.
Q Is she a full-blood Shawnee? A Well called her full-blood, yes, sir.
Q Did this Martha Stand ever take an allotment with the absentee Shawnees in Kansas, that is did she ever go back there and take an allotment after she came to the Cherokee Nation? A No, sir.
Q Do you know of your own knowledge whether or not she has been recognized as a citizen since she came here with the Shawnees? A I think so.
MR. CLOVER: Who was she first married to? A Was married to Charles Blackfeather - Oh yes, now this James Hunter.
Q Well who is James Hunter? A He is a Shawnee.

Q Was he a registered Shawnee? A Yes, sir.
Q Did she have any children by him? A Had one.
Q Is that child alive? A Yes, sir.
Q Who did she next marry? A Charles Blackfeather.
Q Charles Blackfeather; was he a Cherokee-Shawnee, registered Cherokee-Shawnee? A Yes, sir.
Q Did she have any children by him? A Had one that I know of.
Q What is the name of that child? A Susie Blackfeather.
Q That child alive or dead? A Died.
Q Charles Blackfeather, did he die, her husband, or not? A Yes, sir.
Q And who did she next marry after that? A Married Reuben White.
Q Was Reuben White a Cherokee-Shawnee? A Yes, sir.
Q A registered Cherokee-Shawnee I mean? A Yes, sir.
Q Were they divorced, separated? A Yes, sir.
Q And then she married who next? A Married Tom Stand.
Q Is he a Shawnee or a registered Shawnee or what tribe does he belong to? A Belongs to the eastern tribe of Shawnees.
Q He isn't a member of the Cherokee Nation then? A No.
Q Makes no claim I mean to that? A None only for that child.
MR. HASTINGS: How old were you when you come to the Cherokee Nation? A Well I don't exactly know, I come in '71.
Q Well I want to know how old are you now? A I am 58.
Q Where did you first know this woman? A I knowed her -
Q Now I want to explain to you that I don't care about your hearing of her, but I want to know from your own personal knowledge? A Why -
Q When did you first know her? A I guess it was here in the Cherokee Nation.
Q You didn't know her then before you come here? A No.
Q You got acquainted with her after you come to the Cherokee Nation? A Yes, sir.
Q Now how long after you come here? A Oh it wasn't long.
Q Well your best judgment? A About a year or two.
Q Where was she then living? A Why she was on - let's see, think on Caney.
Q Well now is Caney out near Bartlesville? A Caney, in the river I mean.
Q Is that out near Bartlesville? A It is near Talala.
Q Well it's west of Talala, ain't it? A Yes, sir, west of Talala.
Q Well Bartlesville is right on it, isn't it? A Well Bartlesville is further west.
Q Well now where were you living at that time, how far from Vinita? A I lived nine miles north.
Q And that was about 75 miles from where this woman lived? A No, it wasn't that.
Q How far? A Something about 38 miles.
Q With whom was she living at that time? A Why now I can correct that account.
Q Just correct it any way you want to? A Why when I first knew her she lived on the Neosho River.
Q Where was that? A That was a little southeast of Chetopa down the river.
Q Well on which side of the Neosho River? A This side of the river.
Q With whom was she living then? A Why she was living there with Sallie, I think it is Sallie Prophet.
Q Sallie Prophet? A Yes, sir.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Was she single at that time? A No, I think not, she was living with this Hunter, they were living there.
Q She was living with Hunter? A James Hunter, yes, sir.
Q Well she was old enough at that time to be married, was she? A Oh yes, sir.
Q Did she have any children when you knew her? A Not when I first knew her.

Q She didn't? A No.
Q How long did she live there on the Neosho River? A I think she lived there till about '74.
Q And then where did she go? A I believe she went across the river from there to the Shawnee Reservation.
Q Over there in the Quapaw Agency? A Yes, sir.
Q And how long did she live over there? A Well that I don't know.
Q Well she was living there in '80 wasn't she? A I couldn't say, she might have been.
Q Well she lived there quite a number of years, didn't she? A I don't know how long she did live there.
Q Well you know she did live there? A Well that's what I said.
Q Well now who did she go over there with? A Must have been with her mother.
Q Well what was her mother's name? A Laura Davit, the way I knowed it.
Q Well was she separated from her first husband Hunter at that time? A Yes, sir.
Q Where did Hunter go? A He lived there, he died right there on the Neosho River.
Q Well did she marry anyone else over there in that reservation? A Not that I know of.
Q Well now when of your own personal knowledge did you ever after that time see her in the Cherokee Nation? A Yes, sir, I have.
Q Well when I say? A Oh.
Q And about that I want you to be as positive as you can? A About '84.
Q Where? A There in Vinita.
Q Was she there on a visit? A No, they had some business there.
Q Well they lived though over in that reservation? A No, they lived over on Caney.
Q They had moved to Caney then had they? A Yes, sir, had when I knew them.
Q What were they doing there in '84? A Why they were paying some of these Black Box Shawnees some money.
Q Was she known as one of those Black Box Shawnees? A She heired some of the proceeds of the land and also her husband.
Q That in the spring or the fall of that year? A I think it was along, must have been along about this time of year.
Q Are you certain it was '84? A Well that's my gift of it.
Q Well do you feel positive about it? A I think so.
Q Did you ever see her living over on Caney? A Yes, sir.
Q Was you over at her house? A Yes, sir.
Q How far did she live from Talala? A She lived about six miles west.
Q Six miles west; now when were you over there and saw her living there? A I have been there several times.
Q When was the first time? A First time was along about, well along about that time, along about '84 or '5.
Q Where did she marry Blackfeather? A Married him there.
Q On Caney? A Yes, sir.
Q What was her third husband's name? A Third husband was White.
Q Where did she marry him? A On White Oak.
Q Where did she marry Stand? A Married Stand there on White Oak.
Q You say he was an eastern Shawnee? A A Cherokee-Shawnee.
Q When did he come to the Cherokee Nation? A I don't know that, couldn't say, but after he married her.
Q Well did she and this last husband after their marriage continue to reside in the Cherokee Nation? A Yes, sir.
Q Live there all the time I mean? A After -
Q After she married her last husband? A Yes, sir, I think so.
Q Well do you know it? A Well she might have lived over there, he belonged over there; they might have lived there awhile now,

that's what I am trying to say.
Q Now Tom, I want to tell you right now there's a spirit of not direct positiveness about what you are testifying; I want to know the absolute truth in this case, and I want to know it all, and I want to know where she and this last man lived; tell it all? A I know what you want; I don't know whether they lived over there after they married, but all I know they lived here.
Q Well what makes you think they lived over there awhile? A Well I thought it might be that way because he belonged over there; that they might have lived there awhile.
Q Where did he belong? A Eastern Shawnees.
Q Over where she first lived? A No, not where she first lived.
Q Well she had lived over there among those people, over in the Quapaw Agency, was it there or in Oklahoma? A Over there.
Q Over where? A Quapaw.
Q That's where he belonged? A Yes, sir.
Q Well now are you sure that she married him in the Cherokee Nation or over there? A Well I am not positive about that.
Q You are not positive about that, you know that she's dead? A Yes, sir, I know she's dead.
Q When did she die, do you know how long ago? A Must have been a year or more.
MR. CLOVER: I wish to ask you too, do you know whether her mother was a registered Shawnee or not and under what name she was registered? A I think she was.
Q Well state what you know of your own knowledge of it, whether her mother was a registered Shawnee or not? A Why I said I think she was.
MR. HASTINGS: I suggest that the records will show that.
MR. [illegible]: Let him state.
MR. [illegible]: Well I ask the Commission to refer to Alexander Drum and find her name there.
COMMISSION: On the register of Shawnees?
MR. [illegible]: Yes, sir.
COMMISSION: Was this woman ever known as Martha Drum? A No.
Q Do you know whether or not she was ever known as Martha Drum? A No.
Q What was her name when she came here with the Shawnees? A I think she went under the name of Prophet on the register.
Q What was her husband's name? A Hunter after she came to the country.
Q Well I mean after she came here with the Shawnees did she have a husband at that time? A No, sir.
Q Who did she marry, who had she been married to? A Nobody that I know of.
Q Was that her maiden name, Prophet? A I think so.
Q I asked just now what the name of this Martha Stand was, do you know what her maiden name was? A Well that's all I know, that Prophet.
Q Do you know what her father's name was? A Yes, sir.
Q What was his name? A I think his name was Prophet.
Q Are you sure that it was Prophet, did you know him? A I knew the man.
Q Well what name did he go by? A He went by the name of Batiest, but he was really a Prophet. His name ought to have been Prophet, his name was Batiest.
Q Well what name was she going by when she came here with the Shawnees, did you know them at that time? A Yes, sir.
Q What name did she have? A Prophet.
Q Called her Martha Prophet? A I guess so.
MR. HASTINGS: Now didn't you tell me just now on cross-examination that you never did know this woman until she was living with this man Hunter up there on the Neosho? A I mean in the Cherokee Nation.

Q Well that's what you said; you said you never knew her until after she came to the Cherokee Nation, it was while she was living on the Neosho, and that she was living with a man by the name of Hunter and a woman by the name of Prophet's house? A Yes, sir.
Q You said just now on cross-examination that you never knew her before, didn't you? A I said that, yes, sir, of course I meant to say I didn't know her.
Q Well didn't you say just now that her mother's name was this Laura Davit over here? A Yes, sir.
Q Well how would this woman's name be Prophet if her mother's name was Laura Davit? A Well just because she was raised by this Prophet.
Q How who told you that? A Why I know the facts.
Q Well how do you know it? A Because I know that she was, she was with her, and came with them people right there.
Q How do you know that? A Because I went back and forth to the Neosho River.
Q Well you never saw her then until after she married, and that was sometime after you had met her, I mean after she had married Hunter? A No, I knowed her before that.
Q When? A I knowed her before ~~[illegible]~~ that, come to think over the matter, I know that I knowed her before that time.
Q Well now this Sarah Prophet wasn't her mother? A No.
Q And she was then a minor child wasn't she? A Yes, sir, Sallie Prophet was her aunt.
Q Well is she alive? A No, sir, she's dead.
Q And is any members of that family alive? A Yes, sir, there is. Susie Bigknife, that's the daughter of this Sallie.
COMMISSION: What name was this woman going by about six years ago? A Six years ago?
Q Yes. What was her last husband's name? A Stand.
Q When did she marry him? A Well I don't know when they were married.
Q How long has he been dead, Stand? A He ain't dead; he's alive.
Q He's living is he? A Yes, sir.
Q Well did she live with him continuously up until the time she died? A Yes, sir.
Q Is he a Cherokee? A No, he's an Eastern Shawnee.
Q Not a citizen of the Cherokee Nation? A No, sir.
Q Where does he live? A He lives there on the place where she died on White Oak in Goweesoowee District.
Q Has he an allotment with the absentee Shawnees? A No, he's an Eastern Shawnee.
Q An Eastern Shawnee? A Yes, sir, in the Quapaw country.
Q Has this child Edward always made its home here in the Cherokee Nation? A I think so.
Q Well how do you know whether it has? A To the best of my knowledge they have.
Q Do you know whether or not he has ever received an allotment with the Eastern Shawnees? A I don't know.
Q Did his father ever take an allotment with them? A I think his father did.
Q That's in the Quapaw Agency? A Yes, sir.
Q His father ever live on that allotment? A I think so.
Q How long ago was that that he was living on it? A I couldn't say.
Q Well isn't he living on it now? A No, he's living about White Oak; I saw him day before yesterday up there at White Oak.
Q When did she marry Reuben White, how long ago? A I don't know exactly to a day.
Q Well about how long ago was that? A Well along about the time this little - before this Wallace roll was made; I don't know when

that was exactly.
Q Well about how many years ago was it, ten or fifteen or how many?
A Why I couldn't say how many years.
Q Haven't you any idea as to the number of years? A I don't know, couldn't say.

JOHNSON BLACKFEATHER, being first duly sworn, testified as follows through sworn interpreter Thomas Daugherty:

MR. CLOVER: What's your name? A Blackfeather, Johnson Blackfeather.
Q What's your age? A About 54 years old.
Q What is your postoffice address? A Vinita.
Q What positions have you held in the Shawnee tribe of Indians prior to your time of coming to the Indian Territory andCherokee Nation? A Why he said he has been a councilman before he came to the Cherokee Nation.
Q You were a Shawnee Indian by blood and birth? A Yes, sir.
Q What positions have you held in the Cherokee Nation in the Shawnee organization since you came here? A He said he has been a chief of the Shawnees.
Q Were you or were you not plaintiff in the case of the Cherokee-Shawnees against the Cherokee Nation and the United States? A Yes, sir.
Q Were you or were you not the plaintiff in the case of the Shawnee Indians against the government of the United States? A Yes, sir.
Q Did you know Martha Stand before she died? A Yes, sir.
Q Of what nation and tribe was she a member before 1871, June 10? A Shawnee.
Q Was her mother a Shawnee or belonged to some other tribe? A Shawnee.
Q Was her father a Shawnee or belonging to some other tribe or a white person? A Shawnee.
Q How long did you know Martha Stand from the time of her birth before her death,how many years, what's your recollection? A Thirty some odd years.
Q What was her Shawnee Indian name? A Nawatanase.
Q What time did she come to the Cherokee Nation to your knowledge? A Along about '70 or '71, said he didn't exactly know what year.
Q Who did she come with, what family of Shawnees did she come with, if any? A Why Chashequa, her Indian name, don't know the English name of it.
Q Was that party that she came with any relation to the Prophet family or not? A Why she was a sister of John Prophet.
Q What relation was Martha Stand, alias Nawatanase, to the Prophet family? A Why this Chashequa was an aunt of hers.
Q Well who did Nawatanase first marry, her first marriage. Where did that marriage take place.
Q Her first marriage was taken place at the Neosho River, Cherokee Nation.
Q And who was that marriage to? A To Bully.
Q What's the English name of that Indian name Bully? A Do you want the straight English?
Q Yes, straight English name, what was his English name? A He said his first name he don't know, but he went by the name of Hunter.
Q Was he a Cherokee-Shawnee Indian? A Yes, sir.
Q Did she have any children by him? A One.
Q What was the name of that child? A Nesekawase.
Q What was her English name? A Malinda Hunter.
Q Is she now living? A Yes, sir, saw her a few days ago.
Q After that marriage and the death of James Hunter who did she next marry? A He said his nephew, Charles Blackfeather.

Q Was you present at that marriage? A No, he wasn't there, saw them afterwards together.
Q Did Charles Blackfeather and her have any children? A One he knowed of.
Q Give the name of that one? A Susie Blackfeather.
Q Was Susie born in the Cherokee Nation? A Yes, sir.
Q Did she die in the Cherokee Nation or die elsewhere, if she's dead?
A Died at White Oak in the Cherokee Nation.
Q Did your nephew live with her until she died or not or were they divorced? A Till she died.
Q Till he died? A They lived together till he died.
Q Was your nephew, Charles Blackfeather, a registered Shawnee or not? A Yes, sir, I guess he was.
Q He came here and lived and died in the Cherokee Nation did he or did he not? A Yes, sir.
Q Now then who next did she marry? A Tom Stand he says.
Q Take your recollection again and see if she hadn't been married sometime between the death of your nephew and the marriage to Tom Stand? (No response.)
Q Did she ever marry Reuben White? A Yes, sir.
Q Did she have any children by Reuben White? A Not that he knows of.
Q Was Reuben White a registered Shawnee? A Yes, sir.
Q Who was his father? A Thomas White.
Q Who was his mother? A Kahnahkase, that's her Indian name.
Q Now about what time did Thomas Stand and her marry? A He don't know exactly, he said, how long.
Q Well were they living together as man and wife at the date of her death and prior to that time? A Yes, sir, he knew them.
Q Well did he have any child or children living at the time of her death, did she have? A One that he knows of.
Q What Indian or English name or both of them did Martha go under and who she married about '80 or '81? A He says he don't know.

MR. MARTIN: Well when she married Blackfeather? A Along about '84 or '5 as near as he can recollect. Now I'll tell you how he says he recollects this. He said when he first saw Blackfeather and her was at the time that Carney came there paying this money in '84.

COMMISSION: Well what name was she going by just before she married Blackfeather? A Must have been, she must have went under the name of Prophet at that time.

MR. CHAVEZ: Prophet, she was married before by Hunter, and of course her Indian name - A They separated.
Q Then they came on the others; well it's either Hunter or White then up to that because '83 she was a White. Her husband died in '83.

MR. DAUGHERTY: Which one of the husbands?

MR. CHAVEZ: That's Blackfeather, he died in '83, and she married Reuben White then after that time, and this Susie Blackfeather was born between '83 and '87, their child.

COMMISSION: The applicant is not identified on the Authenticated Roll of 1880 either as Martha Hunter, Martha Prophet, or any other name mentioned in this testimony.

MR. CHAVEZ: What family did Martha Stand come down here with when she came to the Cherokee Nation? A Well this Chachequa.
Q That's this Prophet; who was this Chachequa woman married to previous to when she came here? A Kahnahkah.
Q What's his English name? A He don't remember the English name, but it's Caleb Harvey's brother.

COMMISSION: Now what family did this Martha Stand come to the Cherokee Nation with? A Well that's the family she came with, with Chachequa.

Q What's the English for that? A There is no English for that.
Q This Chachequa was the aunt of Martha Stand, was she? A Yes, sir.
Q Well now who was her aunt married to? A He thinks that John Francis or Kahwakah and this Chachequa was living together when they came to the Cherokee Nation.
Q Now Kahwakah is John Francis in English? A John Francis, yes, sir.
Q Now did John Francis and his wife have any children of their own when they came down here? A No, sir.
MR. HASTINGS: None at all? A No.
COMMISSION: Well did his wife have any children? A Oh yes, she had children.
Q How many did she have when she came down here? A Three that he remembers of.
Q Well what name did those children go by? A They went by the name of their father.
Q And who was the father? A Chepae, he don't know the English name.
MR. HASTINGS: Well was John Francis' wife living when they came down? A Why yes, Chachequa.
Q And she had three children of her own? A Three or four that he knows of.
MR. CLOVER: Who was she married to before that, who was this Chachequa married to when she came down here, I mean? A Chepae.
Q Which Chepae is that? A He thinks his name is Hicachie.
Q What was his English name? A That's all he knows, that Hicachie.
Q Was there any other of that name in the tribe who came down here?
A Not that he knows of.
Q What became of him? A Died.
Q Who was the mother of Martha Stand alias Nawatanase? A Lahlequa.
COMMISSION: Now what was the English for that? A Jacko.
MR. CLOVER: Who was she married to when she came to the Cherokee Nation? A He don't know.
Q Well state if he knows whether at any time she was ever married to Alexander Drum? A Only by hearsay, that's all.
COMMISSION: Did he ever see her living with Alexander Drum?
A He said that no, he never; he said only by hearsay that he was.
Q Now ask him what the English name of the mother of Martha Stand is at the present time or was before she died sometime ago? A He didn't know; I told him to state up to the time that she died; he didn't know she was dead.
Q Well does he know what they called her, does he know what her given name was? A Her last name was Taylor.
Q Ask him whether he ever knew this woman by the name of Laura Jacko? A That's before she was married; that was her name, he said that was her name before she was married.

Attention is here called to the name of Laura Drum as it appears opposite No. 456 in the list of Shawnees who removed to and settled in the Cherokee Nation in the year 1871, which Laura Drum appears to be the mother of the applicant, Martha Stand.

THOMAS DAUGHERTY, recalled:

COMMISSION: Were you acquainted with John Francis during his lifetime? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Sallie I think her name was.
Q Did she have any children by Francis? A No, not that I know of.
Q Did she have any children by any man? A Why she had children by Thomas Hicachie.
Q You knew Martha Stand during her lifetime? A Yes, sir.
Q How many children did this John Francis' wife have by Thomas Hicachie? A Why she had three girls and one boy.

Q Now what relation, if any, did John Francis' wife bear to the applicant in this case, Martha Stand? A Why that was Martha Stand's aunt.
Q Did Martha Stand come to the Cherokee Nation with her aunt? A Yes, sir, I think so.
Q Did Martha Stand have any brothers or sisters who came here at the same time? A No, I think not, not to my knowledge.
MR. HASTINGS: Now as I understand you John Francis' wife was named Sallie Prophet? A That was her maiden name.
Q Yes; she had three girls and one boy when she came to this country? A Yes, sir.
Q In other words John Francis' wife had four children when she came down here with the Shawnees? A Yes, sir, that's it.
MR. GLOVER: Did this Sallie Francis have any children named Angeline?
MR. HASTINGS: Let him name them if he knows them; he says he knows them.
COMMISSION: Do you know the children of Sallie Prophet? A Yes, sir.
Q What are their names? A Why there was Henry, and Bessie, Phoebe and Theopewe.
MR. HASTINGS: These four children were children that she had had before her marriage to Francis, that I called your attention to? A Yes.
Q Weren't Francis' children? A No.
Q Francis' stepchildren? A Yes, sir.
MR. GLOVER: Here's Thomas Hiachie and two children marked down here, how many did he have? A He had these four children that I named.
Q Well this is her's by her- A Might have been two registered with him, had a son, might have been with him, but he had no other children besides that to my knowledge.
COMMISSION: Well now was Hiachie the father of Sallie's children? A Yes, sir.
Q He was the father of those four children? A Yes, sir.
Q Did he have any other children besides these four at any time?
A No, that is all they had, that is all he ever had.
MR. HASTINGS: Well didn't you marry somebody after they separated before they came down here? A Yes, sir, but he never had no children.
Q By a second wife? A No, no children, I know the woman's name that he married I think.
COMMISSION: Well how do you account for the fact that the name of Sallie's children, if she was married to Thomas Hiachie, appears on this Shawnee Register under the name of Prophet? A Well her and Hiachie separated and she took her maiden name.
Q And had her children follow her? A Yes, sir, excepting if Hiachie had two of them, I don't know, there's their register here, he might have took two of the children and she took two because he had no other children only them four.
Q Well now was there anybody else besides Martha Stand who came down here with Sallie at that time, Sallie and her children and Martha; was there anybody else? A I think there was one older daughter by another marriage, but what her name is I don't know.
Q Sallie had another daughter by a different man than Hiachie? A Yes, sir, she had one child.
MR. GLOVER: Who was it? A Why I don't know her name - Welah-quechie.
COMMISSION: Who was the father of this Martha Stand? A Why his name is James Prophet, and at other times his name was Batiest, on the rolls James Batiest.
MR. GLOVER: What did they call Batiest, what was his given name? He was a Prophet. What did they call him, what was his given name?

A James.
Q What was his Cherokee name? A Shawnee name I know.
Q Yes, Shawnee name? A Pahwetota.
Q Did he go by any other English name; here we have got him down as Batiest, and his Indian name; what other name did he go by? A That's all I know.
Q Prophet? A Well I said that already, Prophet.
Q Did this Martha ever have a Shawnee name? A Ma-watanase.
Q Did you ever know any other James Prophet who was a registered Shawnee except the father of this Martha? A That's all I know.
Q Do you know whether or not James Prophet and Laura Jacks ever had any children other than the applicant? A That's all I know of them, just that one.
Q Well now after the separation of James Prophet and the mother of the applicant, Laura Jacks, did he, James Prophet, ever marry anyone else? A Why to my knowing he married this here woman.
Q What's that Shawnee name? A Wahnahhshpowase.
MR. HASTINGS: That was his second wife then? A That is to my knowing.
Q That was Martha Stand's stepmother? A Yes, sir.
MR. CLOVER: How many times did you know them to be married anyway? A I didn't know but three times, the last time he married he married a Delaware woman.

JOHNSON BLACKFEATHER, recalled:

MR. HASTINGS: Where did you first know Martha Stand? A Neosho River.
Q Did you know her up in Kansas before she came down there? A Yes, he said he knowed her in Kansas when she was about that high. (Indicating about two feet.)
Q How far did he live from her? A About seven miles.
Q How long did she live there on the Neosho River; did she ever go over there and live in the Quapaw Agency? A He said he couldn't state exactly when she went over.
Q Well he knows she did go over? A Yes, sir, only by hearsay. He didn't know it; I reckon that he knowed that she lived on this side when she first came.
Q Does he know by hearsay how long she lived over there? A No, he couldn't state.
Q Well does he know when she came back, when did he first see her back here the first time after that? A He said he couldn't exactly tell when he saw her first after she came there.
Q Well hasn't he got no recollection at all about it? A He said he couldn't say about when he saw her after she came over; might be wrong, said he could guess at it.
Q Well short time or long time? A Why it wasn't very long she was over there.
Q Think it's been as much as a year or two years since she came from the Quapaw Reservation back over here? A You mean from the time -
Q That she came from the Reservation, she came back over here to the Cherokee Nation? A About twenty or twenty-five years.
Q Since she came back? A Yes, sir, that's when she went there first.
Q Well I am after when she came back from over there, put that into the man's head.
COMMISSIONER: How long has she been back over here from the Quapaw Reservation? A Why he couldn't state; he said he didn't know.
Q Doesn't he know about how long it was; hasn't he any idea? A

He don't know, he said he couldn't remember when she came over

MR. MASTINGS: Well he don't know whether it is one or twenty-five years.

A He said he thought it was about twenty-five years.

Q Since she come back from over there? A I'm trying to get him to say not when she went over there, but when she came back, when he first saw her back here in this country after she went over there to the Quapaw Reservation? A He said he stated it a while ago.

Q Well I want to know it again now it won't hurt him? A He says he made a statement there a while ago he thought it was about '34.

COMMISSION: How has been Phake's mother -- how long has she been living in the Cherokee Nation? A Well she came in here about '70 or '71.

Q How long did she continue to reside here? A He said that she came here about '70 or '71 and then stayed here a while and went with the absentee Shawnees.

Q In the Quapaw Reservation? A No, absentee Shawnees, Oklahoma.

Q Well now how long did she stay over there? A Well something about six or seven or maybe eight years.

Q Well where did she go then? A Came back to the Cherokee Nation.

Q Now does he remember about when she came back to the Cherokee Nation the last time? A About four years ago.

Q She came here about four years ago from this time? A About four years ago.

Q What time of the year was it? A Well first he heard it was in the fall of the year, about the fall of the year that he remembers.

Q Does he think it was in the fall of the year of 1895 that she came back from Oklahoma? A About, I guess.

Q Well does he know of his own knowledge that she came back at that time? A Well he thinks that's about the time.

Q Now how long did she continue to reside here after she came down with the Shawnees in '71 before she went to Oklahoma, about how many years was it? A He said he don't remember about what time, but he said he was there in '88 in Oklahoma and saw her there.

Q She was there then? A Yes, sir.

Q She didn't come back here until about four years ago? A He said he guesses not, about four years ago.

Q Well did he ever see Martha Stand there in Oklahoma? A Never went there.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: R-164, R-165 and 7324.

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Arthur G. Creninger, 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. Creninger

Subscribed and sworn to before me this 17th day of May, 1902.

F. F. Rentie

Notary Public.

Cherokee-D- 524

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George G., Leonard C. and Zollie E. Wood as citizens by blood of the Cherokee Nation, and for the enrollment of Etha B. Wood as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 4, 1900, George G. Wood appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and his minor child, Leonard C. Wood, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Etha B. Wood, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on February 28, 1902.

The evidence shows that the said George G. Wood resided in the Cherokee Nation all his life up to about October 1898, at which time he took his wife to the state of Texas for the benefit of her health, and returned with his family in July 1901. This absence appears to have been only of a temporary nature. He is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1896 Census Roll of the Cherokee Nation.

The evidence shows that the said Etha B. Wood was lawfully married to George G. Wood on October 7, 1894. She is duly identified on the 1896 Census Roll of the Cherokee Nation. Her residence must necessarily be the same as that of her husband.

The minor child, Leonard C. Wood, is too young to be upon any tribal roll of the Cherokee Nation, but he is duly identified by a birth affidavit on file with this Commission.

On April 16, 1902, there was filed with this Commission an affidavit duly executed on April 10, 1902, from which it appears that Zollie E. Wood was born January 28, 1902; that she is the child of George G. and Etha B. Wood, and that she was living at the date of the execution of the affidavit.

It is, therefore, the opinion of this Commission that George G. Wood, Leonard C. Wood and Zollie E. Wood should be enrolled as citizens by blood of the Cherokee Nation, and that Etha B. Wood should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this AUG 11 1902

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

FILED
OCT 18 1902

Cherokee D-594.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 29, 1902.

In the matter of the application of George G. Wood for the enrollment of himself and children, Leonard G. and Zollie E., as citizens by blood, and for the enrollment of his wife, Etha B. Wood, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A George G. Wood.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is your age at this time? A 28.
Q What is your postoffice? A Fryercreek.
Q What is your wife's name? A Etha B.
Q When were you married to her? A The 7th day of October, '94.
Q Were yu ever married before you married her? A No sir.
Q Was she evermarried prior to her marriage toyou? A No sir.
Q You her first husband? A Yes sir.
Q She your first wife? A Yes sir.
Q Is she a citizen or non-citizen? A She was a white woman but adopted.
Q She claims by intermarriage does she? A Yes sir.
Q Have you and she lived together continuously from the time of your marriage up until the present time as husband and wife? A Yes sir.
Q Have you ever been separated? A No sir.
Q Has she ever been married to any other man since her marriage to you? A No sir.
Q How long have you lived in the Cherokee Nation? A All my life, except 2 1/2 years I was away.
Q What 2 1/2 years was that? A I got back last July a year ago; that was when I landed here.
Q When did you go away? A I don't know just what date it is.
Q When did you leave the territory? A I don't know the date.
Q You don't know what year? A It lacked October being three years.
Q You weremarried in '94? A Yes sir.
Q How long did you live here in the nation after you were married? A I don't know just when I left.
Q About how long? A Four years I thnk.
Q Four years after you were married? A Yes sir.
Q Then where did you go? A To Colorado.
Q Did you take your wife with you? A Yes sir.
Q How long did you stay out there? A 2 1/2 years.
Q What were you doing out there? A Went out there for her health.
Q Was she in bad health? A Yes sir.
Q Did you take her out there on the advice of a physician? A Yes sir.
Q What was her trouble? A Consumption.
Q Now you returned and have lived here ever since continuously, have you? A Yessir.
Q Did you go to Colorado with the intention of making that your home, or simply temporary for the benefit of her health? A I went there for her health.
Q Is your wife living at this time? A Yes sir.
Q Well, did she get better or worse out there? A She got better there, but has grown worse since she returned. I am going back as soon as I can to take her there.
Q How many children have you got? A Two.
Q What are their names? A Leonard G. and Zollie E.
Q Your wife and these children are living at this time? A Yes sir.

Q These children living in the Cherokee Nation? A Yes sir.
Q All their lives? A They were both born here, but one was out in Colorado with us.
Q This youngest one was born after you returned from Colorado?
A She come a year ago last May, going on two years.
Q When you were in Colorado you still had your home in the nation?
A Yessir, my place at Fayetteville.

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

E G Rothenberger

Subscribed and sworn to before me this 15th day of October, 1903.

B O Jones
Notary Public.

Cherokee D-434.

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

In the matter of the application for the enrollment of George G., Leonard G. and Zollie E. Wood, as citizens by blood of the Cherokee Nation, and for the enrollment of Ethe B. Wood as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 4, 1900, George G. Wood appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and his minor child, Leonard G. Wood, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Ethe B. Wood, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 28, 1902, and again on September 29, 1902. On April 18, 1902, there was filed with this Commission an affidavit of birth wherein it appears that Zollie E. Wood was born on January 28, 1902, and that she is the child of George G., and Ethe B. Wood.

The evidence shows that the said George G. Wood resided in the Cherokee Nation all his life up to about October, 1895, at which time he took his wife to the State of Colorado for the benefit of her health, and returned with his family in July, 1901. This absence appears to have been only of a temporary nature. He is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1896 census roll of the Cherokee Nation.

The evidence shows that the said Ethe B. Wood was lawfully married to George G. Wood on October 7, 1894. She is duly identified on the 1896 census roll of the Cherokee Nation.

The minor children, Leonard G., and Zollie E. Wood, are too young to be upon any tribal roll of the Cherokee Nation, but are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that George G. Wood, with the exception of the temporary absence hereinbefore shown, has resided in the Cherokee Nation continuously since 1874, and that his wife, Ethe B. Wood, has resided with her said husband from her marriage continuously up to and including September 1, 1902. The residence of the minor children herein is considered to have been the same as that of the parents.

It is, therefore, the opinion of this Commission that George G. Wood, Leonard G. Wood and Zollie E. Wood, should be enrolled as citizens by blood of the Cherokee Nation, and that Ethe B. Wood should

be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

Acting Chairman.

T. B. Needles.

Commissioner.

C. R. Arrowsmith

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 524.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of George G. Wood for the enrollment of himself and his children, Leonard C. and Zollie E. Wood, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Etha B. Wood, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 33.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 524.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of George S. Wood for the enrollment of himself and his two minor children, Leonard C. and Zellie E. Wood, as citizens by blood, and for the enrollment of his wife, Etha B. Wood, as a citizen by intermarriage, of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enclosure H. No.423.

THE MATTER OF THE APPLICATION OF

George G. Wood et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/4/00.
B. Memo. of application of 10/4/00.
C. Certified copy of marriage certificate
D. Birth certificate, Leonard C. Wood
E. Notice of final consideration 2/28/02
F. Supplemental testimony and order closing testimony, Feb. 28, 1902.

Ea

Cher D 525

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA' I.T., OCTOBER 4, 1900.

In the matter of the application of Othie A. Smith for the enrollment of four orphan children as citizens of the Cherokee nation, said Smith being sworn, testified as follows:

Q What is your name? A Othie A. Smith.
Q How old are you? A 32.
Q What is your postoffice address? A Fairland.
In what district do you live? A Delaware.
Q Who do you want to have put on the rolls? A Four orphan children.
Q You are guardian of these four children? A Yes.
Q Have you letters of guardianship? A Yes.
Q Give me the names of the children? A Editha Ritter, 15 years old.
On '94 roll, page 456, number 2433, as Ditha.
Q Next? A Howell W., 14 years old.
On '94 roll, page 456, number 2434, as Howell.
Q Next? A Ada E., 12 years old.
On '94 roll, page 456, number 2435.
Q Next? A Willie C. W. 10 years old.
On '94 roll, page 456, number 2436, as Willie C.
Q These children are all living now? A Yes.
Applicant shows letters of curatorship for the children in question, and they are returned to him.
Q What was the name of the father of these children? A William D. Ritter.
Q Is he a Cherokee or white man? A White man.
Q He is dead? A Yes.
Q How long has he been dead? A Since '94.
Q What is the name of the mother of these children? A Nana E.
Q Was she a Cherokee? A Yes.
Q How long has she been dead? A She died in '91.
Q What was her maiden name? A Wolfe.
Q When was she married to her husband Ritter? A '82.
Q Have you a certificate of their marriage? A No sir, I have witnesses.

F. M. CONNER, being sworn, testified:
Q What is your name? A F. M. Conner.
Q What is your age? A 49.
Q What is your postoffice? A Fairland.
Q Did you know William D. Ritter, deceased? A Yes.
Q Do you know his wife, Nana? A Yes.
Q Was her maiden name Wolfe? A Yes.
Q About when were they married? A About '82.
Q They lived together as husband and wife until she died? A Yes.
Q And have they left four children of that marriage? A Yes.
Q They are all living now? A They have been out of the country for quite awhile and I cannot say.
Q You don't know of any of them being dead, do you? A No sir.
Q You would have heard of it if any of them had died? A Yes.
Q They are among your friends and neighbors? A Yes.
Q Do you know whether Nana E., was born in the Cherokee nation or not? A I think she was.
Q You think she lived here all her life? A I think so.

APPLICANT CONT'D:
Q How old was the mother of these children when she died? A About 30.
Q Did the mother of these children live in the Cherokee nation all her life? A She has lived here ever since I have known her, which

was about 7 or 8 years before her death.
Q You think she was born here? A I think she was-- I am not sure of that.
Q Was the mother of these children ever married except to Ritter? A Not that I know of; I think not.

EDITHA RITTER, being sworn, testified:

Q What is your name? A Editha Ritter.
Q What is your age? A 15 last November.
Q You are a daughter of Nana E. Ritter, deceased? A I am.
Q Have you any aunts or uncles? A I have.
Q Living in the Cherokee Nation? A No sir.
Q None live in the Cherokee Nation? A I know none of my mother's relatives whatever.
Q Who could your mother have been enrolled with in '80? A I don't know.
Q Was she ever married except to your father? A No sir.
Q Was your mother an orphan at an early age? A She was.
Q Where were you born? A Fairland, Indian Territory. All of us were born there.
Q You are off at school now? A I am living in Kentucky.
Q Are you attending school in Kentucky? A I am attending college in Kentucky.
Q Lived here all your live until? A The age of six.
Q And live now with your relatives where? A In Louisville, Ky.
Q Have you relatives there? A I have on my father's side; I am living with a sister of my father's.

The applicant applies for the enrollment of four orphan children. They are identified on the roll of '94, but not upon the roll of '96. They are at present living in Louisville, Ky. , where they are attending school. Their mother is said to be a native Cherokee, and is thought to have lived in the Cherokee Nation all her life, but she cannot be identified on the roll of '80. She was an orphan at an early age and cannot be traced through her own father and mother. These four children are all living at this time. At present their application will be placed upon a doubtful card to await more satisfactory identification of their mother, with reference to her rights at the time of her death.

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

B. M. Bennett

Subscribed and sworn to before me this 5th day of October, 1900.

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 8th, 1900.

Additional Testimony in the matter of the application for enrollment of Mattie Ritter et al, Card "D" 888.
Jemima S. Blythe, being ~~[illegible]~~ sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Jemima S. Blythe.
Q What is your age, Madam? A Sixty seven.
Q What is your Postoffice? A Vinita.
Q In what district do you live? A Goweesgoweee.
Q Do you know the mother of these Ritter children, whose name was Nana N. Ritter? A I knew Jimmie that married Ritter; I do not know the children.
Q What was her maiden name? A Her maiden name was Nix.
Q Did she ever have the name of Wolfe? A Yes sir; she married Thomas Wolfe.
Q How long did you know her? A Just when she was married
Q When was she married? A I can not tell you exactly; I do not remember the year; I knew ~~[illegible]~~ more of the father than I did of the mother.
Q The father was a white man? A No sir; he was a Cherokee. I did not know Ritter at all, but I knew Jimmie, and knew her to be a Cherokee.
Q How long did you know Elizabeth Ritter or Wolfe? A I knew her when she was a child, and I knew her when she was a grown woman.
Q Do you know where she was born? A In the neutral land in the Cherokee nation; The Cherokees owned that at that time; She was born in the Cherokee nation.
Q That land ceased to be a part of the Cherokee Nation, did it not? A Not until 1861.
Q Did she stay there after it ceased to be a part of the Cherokee Nation, or did she move into the Cherokee nation? A She was taken away from there in her childhood.
Q Where was she taken? A She just moved down on the east bank of Grandriver.
Q Was she brought into what is now a part of the Cherokee nation? A Yes sir.
Q How long did she live there? A All the balance of her life.
Q I understand you to say that you know of your own personal knowledge that she was born in the Cherokee nation? A Yes sir.
Q She was born in the Cherokee Nation, and lived in the Cherokee Nation? A All her life; I reckon she died in the Cherokee nation. I never knew her as anything else only in the Nation.
Q Do you know her mother? A Yes sir; I was speaking of the mother.
Q Now Elizabeth Wolfe's mother; what proportion of Cherokee blood did she have? A I do not know.
Q She was recognized as a Cherokee woman? A Yes sir.
Q Do you know any reason why Elizabeth Wolfe is not upon the roll of 1880? A No sir, unless it was the time she was in Neosho at school., studying music.
Q She was sent off to school? A Yes sir.

Eliza A. Hill, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your name? A Eliza A. Hill.
Q What is your age? A Sixty seven.
Q What is your Postoffice? A Twiland.
Q How long have you lived in the Cherokee nation? A All my life except a few years in my infancy, when I was in Georgia.
Q Do you know Nana N. Ritter? A No sir; I never got acquainted with the children.
Q I am talking to you about Nana N. Ritter, the mother of these four children we are talking about? A I know her as Eliza Wolfe.
Q Do you know where she was born? A No sir.

Q How old was she when you first knew her? A I can not tell you.
Q Did you know her when she was a child? A It occurs to me that [illegible] when she was an infant.
Q Did you know her mother? A I have seen her, a few times; I [illegible] personally acquainted with her father.
Q Were they recognized as Cherokee citizens? A Yes sir.
Q Natives? A Yes sir.
Q Do you know of any reason why Elizabeth Wolfe, as you know her was not put on the roll of 1880? A No sir, I can not tell you that. She was married young, and her parents died.
Q You think it was from her lack of being a Cherokee? A It might have been from neglect of some of the clerks.

George W. Reach, being sworn and examined, by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your full name? A George W. Reach.
Q What is your age? A Forty one.
Q What is your Postoffice? A Welch.
Q How long have you lived in the Cherokee nation? A
A Ever since 1870.
Q Did you know Elizabeth Ritter, or Elizabeth Wolfe, the mother of the four children who applied here? A I knew her by the name of Lizzie.
Q How long did you know her? A Since about 1876, or 1877; when she went to the orphan asylum, she was in my class.
Q In the same class you were? A Yes sir.
Q She was recognized there as a Cherokee by blood? A Yes sir.
Q They did not take any other child? A No sir.
Q You know afterwards as Lizzie Wolfe? A Yes sir.
Q Did you know her husband, Ritter? A Yes sir.
Q She married him after Wolfe's death, did she? A Yes sir.

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

R. R. Graves

Subscribed and sworn to before
me this 5th day of October, 1900.

C. R. Breckinridge

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 9 1900

ACTING CHAIRMAN

Supplementary D card 525.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5,1900.

LUCIAN BELL, being sworn, testified as follows:

Q What is your name? A Lucian B. Bell.
Q How old are you? A 62.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A About 60 years.
Q You appear to give supplementary testimony in the application of four orphan children, do you not-- the Ritter children? A That is what I understand.
Q Their mother was Nana E. Ritter? A Yes. I cannot say about the "Nana" part of it; we called her Lizzie Wolfe.
Q Now in taking the application for the enrollment of these children there seems to be trouble about finding their mother on the roll of '80- did you know her all her life? A I guess she was as much as 12 years old when I first saw her.
Q What name did she go by as a school-girl? A Lizzie Wolfe. Her maiden name was Wolfe-- that is my understand-- she was an orphan.
Q Do you know whether she was born in the Cherokee Nation? A No sir, I don't know.
Q Did you know her mother before her? A No sir.
Q Did you know her from the time she was 12 years old until her death? A Yes, pretty much all the time. She was an orphan and went to the Orphan asylum during Duncan's management and was taken out by some charitable institution and sent to school out of the country, and then she was back here and taught school, and next thing she was married to Ritter and settled in 14 miles of where I live.
Q You think she might have been sent out to school in '80? Yes, I think that is why she does not appear on that roll.
Q Before she was married she lived in the family of Anderson Benge, a relation of hers, about 6 miles from where I live.
Q How old was she when she quit living in that family? A I guess she was counting that family probably her home when she was married.
Q How long after she came back was it before she got married? A I cannot state when she came back exactly-- she was here a year or so when she got married to Ritter.
Q She was recognized by everybody as a Cherokee woman? A Yes, and by the law too by taking her and putting her in the Orphan Asylum, and taking care of her.

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

B McCormack

Subscribed and sworn to before me this 5th day of October, 1900.

C H Ames

Commissioner.

D 825

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Edith A. Ritter, for the enrollment of herself, brother and sisters as citizens of the Cherokee Nation :

Applicants were notified by registered letter on February 12, 1902, that their application for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902.

Receipt was acknowledged of the Commission's letter, and applicants on the said day appeared by their curator O. L. Conner, of Fairland, Indian Territory, and by agreement between the said O. L. Conner and the representative of the Cherokee Nation present, the case was continued until the 1st day of March, 1902.

The same being this day called, to-wit: on the 1st day of March, 1902, applicants appear by their curator O. L. Conner.

There is offered in evidence letter of curatorship showing that Glenzo Conner was, on the 7th day of January, 1901, appointed curator by the United States Court in Probate, in and for the Northern District of the Indian Territory, for Howell Ritter, Edith Ritter, Ada Ritter and William Ritter.

Is there any statement you desire to make to the Commission Mr. Conner ?

Mr. Conner: Nothing only I have a couple of witnesses.

J. R. PRICE, being sworn and examined, testified as follows:

Q What is your name ? A J. R. Price.
Q How old are you ? A 56 last January.
Q Where do you live ? A Tahlequah.
Q Are you acquainted with the applicants in this case, Edith Ritter and her brother and two sisters ? A I am.
Q Did you know their mother ? A I don't know their mother. I don't know the children, but I am acquainted with their mother.
Q What was her name ? A N. E. Wolfe. Nancy Elizabeth Wolfe.

Examined by Mr. Hastings:

Q You knew the mother of these children ? A Yes sir.
Q Who was she ? A She was a daughter of Tom Wolfe.
Q That was Lizzie Wolfe, the mother of these children; Ritter's children ? A Yes sir. She was the mother of Ritter's children
Q Who did Ritter marry ? A N. E. Wolfe.
Q Had she ever been married before ? A No sir.
Q Now when did you know N. E. Wolfe. A I knowed her ever since she was a little child.
Q Where was she born ? A Up somewhere near the neutral lands.
Q When ? A Before the war.
Q Did you know her before the war ? A I knowed her shortly after the war when they brought her back from the south. They took her away somewhere during the war.
Q Did you know her before the war ? A Yes sir, I knew of her. I know of three, Dennis, Mamie and Lizzie.
Q She was born up in the neutral lands ?
A Up there near Sheal Creek some place.
Q When did you see her ? A When she was a little bit of a thing
Q She was about three or four maybe ? A I couldn't tell her age.
Q Was that before or after the war ? A A little after the war. I saw her after the war at Susie Benge's on the Spavinaw.

Q Where did you live then ? A On Grand River.
Q Did you ever know her after she married Ritter ?
A Yes sir.
Q When and where, at her house ? A Yes sir.
Q Where did she live then ? A At Fairland.
Q Do you know whether she is dead ? A I think she is dead; my understanding was that she died. I think I got a letter from some one stating to me that she was dead.
Q Your information is that she is the mother of these children ?
A Yes sir.
Q Was her father or mother a Cherokee ? A Her father was a first cousin of mine.
Q Was her mother a Cherokee ? A My understanding was that she was. I didn't know her mother, personally. Her mother talked Cherokee; she understood Cherokee herself.
Q Do you know where she was in 1880 ? A At school at Neosho.
Q Who sent her to school there ? A I paid her tuition there.
Q Do you know who taught her ? A Mrs. Ritter,a sister-in-law of this Ritter. Don't know what her husband's name was. She was Ritter's brother's wife.
Q Do you know if there was other children ?
A Two to my knowledge, Dennis and another girl.

By the Commission:

Q Were the mother and father of this N. E. Ritter Cherokees ?
A Her father was.
Q Was her mother a white woman ?
A Her mother, to the best of my knowledge was a Cherokee. Her father was a Cherokee, he was a first cousin of mine.
Q You say you don't know these children ?
A I have saw two of them, when they were little fellows.

---

GEORGE W. WALKER, being sworn and examined, testified as follows:

Q What is your name ? A George W. Walker.
Q Where do you live ? A I live on Cabin Creek, Cherokee Nation.
Q What is your post office address ? A Kinnison.
Q You know Tom Welfe ? A Yes sir.
Q Where did he live when you knew him ?
A The first time I knew him he lived in the neutral lands with his father
Q Do you know who he married ? A I always took it to be an Alberty or a Nix.
Q Do you know his wife ? A Yes sir.
Q You met her after her marriage ? A Yes sir.
Q You stayed all night at their house ? A Yes sir.
Q Did you know of any children being born to them ?
A There was two. One was Dennis and the other Lizzie.
Q You knew Lizzie Welfe's mother to be a Cherokee ? A Yes sir.
Q Did you know Lizzie Welfe's mother, the wife of Tom Welfe to be a Cherokee ? A That's what she went by, to be a Cherokee. I don't know exactly who the mother was, but she went by that.
Q She was always considered as a Cherokee; recognized as a Cherokee ? A Yes sir.

Examined by Mr. Hastings:

Q You didn't know her did you ? A I saw her.
Q You didn't know what her name was did you ?
A I don't recollect now; I did then.

Q Didn't know her father and mother did you ? A No sir.
Q Don't know now do you ? A No sir.
Q Then you can't swear to her citizenship ?
A No more than what I told you.
Q I am asking you now ? A No sir, I don't suppose I could.
Q Where was the mother of these children born ? A I don't know.
Q When did you first see her, the mother of these Ritter children ?
A I saw her before the war.
Q How long before the war ? A I can't tell you that.
Q Where did you see them ? A Down on Grand River.
Q At whose place ? A Jake Alberty's place.
Q Where did he live ? A Down on Grand River too.
Q What were they doing there ? A They lived there.
Q On Jake Alberty's place ? A I don't know whose place they were living on.
Q How long before the war was that ? A I can't tell you how long before the war. I don't know.
Q Ten years ? A No, I guess not quite that long.
Q Your best judgment; about five years ?
A About five years I guess.
Q Did you ever see them after that and up to the time of the war ?
A No sir. Tom went south somewhere.
Q I mean during that five years that intervened just before the war? What became of Tom Wolfe in that time ?
A I don't know what became of him.
Q How far was Alberty's place from Locust Grove where John Price lived before the war ? A That was; it must have been 40 miles.
Q Near what place on Grand River was that Alberty place; near what town now ? A Nearer Prairie City.

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The Commission: The counsel for the applicants in this case and the representative of the Cherokee Nation present, submit this case to the Commission for final consideration, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

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

E C Bagwell

Subscribed and sworn to before me this March 3, 1902.

Commissioner.

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

FILED

JUN 27 1902

ACTING CHAIRMAN.

Cherc. D-525.

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

In the matter of the application for the enrollment of Editha Ritter, Howell W. Ritter, Ada E. Ritter and Willie C.W.Ritter as citizens by blood of the Cherokee Nation.

The applicants' curator, Alonzo Connor, was notified by registered letter May 28, 1902, to appear before the Commission at its offices in Muskogee, Indian Territory, within fifteen days from said date in which to submit further testimony with reference to the residence of the above named applicants. He this date, to-wit: the 17th day of June, 1902, appears in person; Cherokee Nation by W. W. Hastings.

Alonzo L. Connor, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Alonzo L. Connor.
Q How old are you? A 25.
Q What is your postoffice address? A Fairland.
Q You are the curator for the applicants in this case? A Yes sir.
Q How long have you known them A Ever since from the time they were born.
Q From the time the oldest one was born? A Yes sir, I have been with them all the time.
Q Where were they living when you first learned to know them? A What is now Fairland.
Q Were they born there? A Yes sir.
Q Were they all born in the territory? A I believe they were all born at that place.
Q Where have they been living since you learned to know them? A After their parents died I haven't seen any of them but Edith; since their parents died the two oldest were at Louisville, Kentucky, and the other ones were at Hopkinsville, Kentucky.
Q When did the father of the applicants die? A It was in June, '94 I think.
Q When did the mother die? A She died prior to that, I don't know when exactly.
Q And since that time the children have been making their home in Kentucky? A Yes sir.
Q Who have they been living with? A With their aunts Mrs. Bunh and Mrs. Boulder.
Q Have these children been here since 1894? A Not only except on visits.
Q How often have they been here since that time? A I don't know, I was through here a year and Edith has been here since then.
Q Now these children, do they own any property in the Cherokee Nation? A Yes.
Q Where? A Fairland.
Q What does it consist of? A They have some town lots and they have three or four hundred acres of farm land.
Q Do they derive any revenue from the farm land? A Yes sir.
Q Did these children go to Louisville before the death of the father? A After his death.
Q How long after that? A They did, the three younger ones stayed in Louisville and Hopkinsville until he died in '94.
Q About how long before the death of the husband did the death of his wife occur? A I can't say, it was something like a year, about that. I wouldn't say positively.
Q Do you know where these children were living four years ago, June this month? A At the same place.
Q Hopkinsville and Louisville, Kentucky? A Yes sir.
Q They have been living there about four years prior to that time, that is 1898? A Yes sir. Everything that is sold in the way of town lots I get the order from the judge to sell them for the benefit of schooling the children.

R- Editha Newell et al.

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

G. L. Rothwiler

Subscribed and sworn to before me this 27th day of June, 1902.

G. L. Rester

Cherokee D 525.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Editha, Howell W., Ada E. and Willie C. W. Ritter as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 4, 1900, Othie A. Smith appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of four minor children, viz: Editha, Howell W., Ada E. and Willie C. W. Ritter, as citizens by blood of the Cherokee Nation; the said Othie A. Smith being guardian of said children. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on March 1 and June 17, 1902.

The evidence shows that the applicants are the minor children of William E. Ritter, a white man, and his wife, Rena E. Ritter, a native Cherokee; and that said children were born since 1902, the date of the marriage of their said parents. It further appears that their mother died in 1901 and their father about three years later.

It further appears that the said Rena E. Ritter, mother of the applicants herein, is identified as a native Cherokee on the 1880 census roll of the Cherokee Nation, by the name of Linnie Wolfe, and on the 1896 roll by the name of R. E. Ritter; and that all the applicants herein, together with the said Rena E. Ritter, are identified on the 1896 Cherokee census roll and on the 1904 Cherokee strip payment roll.

The evidence further shows that on January 7, 1902, Alexander Conner was appointed guardian of said minor children by the United States Court for the Northern District of the Indian Territory; and that he and said guardian both reside in the Indian Territory.

The evidence further shows that all the applicants herein were born in the Cherokee Nation and lived there until the death of their mother; that shortly afterwards they were taken to Kentucky where they have since been residing and attending school. The said applicants being minor children and their parents both dead, it is considered that they have not forfeited their citizenship in the Cherokee Nation by their involuntary removal therefrom.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of James Hunter, et al (I.T.D. 1970-1908), that the said Edna Ritter, Howell W. Ritter, Ada R. Ritter and Willie C. W. Ritter should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
CHAIRMAN.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

muskogee, Indian Territory,
this MAR 19 1906

MLG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BROKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 525

Muskogee, Indian Territory, March 10, 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 10, 1904, granting the application of Othie A. Smith for the enrollment of Editha, Howell W., Ada E. and Willie C. W. Ritter as citizens by blood of the Cherokee Nation.

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

Respectfully,

Commissioner in Charge.

Encl. V-11

~~Otha A. Smith et al~~
Edithe Ritter et al

March 31 1904 Cancelled and record transferred to Cherokee No 10714

Decision

IN THE MATTER OF THE APPLICATION OF

Edithe Ritter et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

a Original testimony of 10/4/00.
b Memo. of application of 10/4/00.
c Supplementary testimony of 10/5/00.
d Supplementary testimony of 10/5/00.
e Notice of final consideration 2/28/03
Receipt for testimony.
f Letters of Guardianship.

March 31, 1904. Cancelled and Nos 1 to 4 inc. transferred to 10714.

Cher D 526

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4, 1900.

In the matter of the application of James R. Dawson for enrollment of himself, wife and three children, as citizens of the Cherokee Nation, said Dawson being duly sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A James R. Dawson.
Q How old are you? A 43.
Q What is your postoffice? A Afton.
Q In what district do you live? A Delaware.
Q Who do you want to have put on the rolls? A Myself, wife and three children.
Q Are you a Cherokee by blood? A Yes.
Q Is your wife a Cherokee? A No sir.
Q White woman? A Yes.
Q How long have you lived in the Cherokee Nation? A Since '85.
Q Were you admitted to Cherokee citizenship in '85? A In '83.
Q Have you a certificate of admission? A I have a copy.
Q The applicant presents what purports to be a copy of a certificate of admission to Cherokee citizenship showing that on the 11th day of January, '83, certain persons were admitted to citizenship as Cherokees by blood, and among them appears the name of Jmaes Dawson.
Q Do you claim that is your name? A Yes.
This is returned to the applicant.
Q Have you lived in the Cherokee Nation ever since you were admitted in '83? A Except when I was in a medical college and under a preceptor. I was in medical college in '89, '90 and '91.
Q Where did you go to college? A I went to St. Louis, Mo., first.
Q What do you mean by a preceptor? A Reading medicine under a preceptor.
Q Is that included in the three years you speak of being out at college? A I was under a preceptor in '8' reading .
Q Then you cam back to the Cherokee Nation in '91? A I came back in '89.
Q Have you been here ever since? A I ~~was~~ ~~xxx~~ went back to college in St. Louis again in the summer of '89.
Q How long did you stay? A I stayed three months.
Q Then came back here? A Yes.
Q Been here ever since? A No sir, went back to medical college and was there 6 months in the latter part of '89 and '90.
Q Then did you come back here? A Yes.
Q Stayed here that time? A I went to Louisville, Ky., to medical college and stayed six months and came back and have been here ever since.
Q Finished your medical education in six ~~months~~ months and came back here and been here ever since? A Yes.
Q What is the name of your wife? A Martha Alice.
Q How old is she? A ~~xxx~~
Q When did you marry her? A '90.
Q Have you certificate of your marriage? A Yes.
The applicant presents a license issued by the Clerk of Carrol county, Arkansas, February 20, 1890, authorizing him to marry Miss Alice Ramsey, and the certificate shows that they were united in marriage in accordance with said license on February 3, of the same year, by the Rev. W. R. Miller. It is filed herewith.
Q Has your wife lived with you ever since you were married? A Yes.
Q And she is living with you at this time? A Yes.

Q Give me the names of your children? A Vinnie D., 9 years old.
On '96 roll, page 463, number 956, as Vinnie Doreas.

Q Next? A Ermine C., 7 years old.
On '96 roll, page 463, number 957, as Ermine Carl.

Q Next? A Edmund E., 5 years old.
On '96 roll, page 463, number 958, as Edwin Carlylse.

Q They are all living now? A Yes.
Applicant on '96 roll, page 463, number 955, as James Dawson.
Applicant's wife on '96 roll, page 569, number 143, as Alice.

Q What is the name of your father? A Robert.
Q Dead or alive? A Dead.
Q What is your mother's name? A Nancy.
Q Dead or alive? A Dead.
Q How long has your mother and father been dead? A They both died in '86.
Q They are not upon any roll of the Cherokee Nation? A I don't think they are.

The applicant applies for the enrollment of himself, wife and three children. He claims to have been admitted to Cherokee citizenship in '83, but does not present an official copy of the Act of admission at this time. He is identified on the roll of '96 and states that he has lived continuously in the Cherokee Nation since '91. The Cherokee representative present objects to enrollment of persons admitted at the time that this applicant was admitted, and of the enrollment of this family, because of alleged fraud in the proceedings of the Cherokee Citizenship Commission at that time. For that reason, and also to await official evidence of the applicant's admission, his application at this time will be placed upon a doubtful card. He is shown to have married his wife in '90. She is identified with him on the roll of '96. He states that she has lived with him ever since their marriage, and her application at this time will be placed upon a doubtful card, she being classed as a Cherokee by adoption. The same disposition will be made of the three children who are identified with their parents on the rolls of '96, and are living at this time, they being classed as Cherokees by blood.

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

B Meadows

Subscribed and sworn to before me this 5th day of October, 1900.

C. H. Merrill
Commissioner.

A 526

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 8 1900

Chairman

Supplementary testimony:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., [illegible] 6, 1900.

In the matter of the application of James Dawson (on D card [illegible]) said James Dawson being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A James I. Dawson.
Q You appear to supplement your testimony given a few minutes ago?
A Yes.

The applicant presents an official certificate of the records of the Cherokee Commission on Citizenship showing that on the 11th day of January, 1883, certain persons were admitted to Cherokee citizenship as Cherokees by blood, and among them appears the name of James Dawson.

Q Now you claim that as your name? A Yes.

This is recognized as indicated and the papers id returned to the applicant.

Q Now who is Wilburn Dawson who appears in this paper? A My brother.
Q Who is Rial Dawson that also appears in this paper? A My brother.

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

[signature]

Subscribed and sworn to before me this 5th day of October, 1900.

[signature]

Commissioner.

(DAWSON CASE)
Cherokee D-526.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 3, 1902.

In the matter of the application of James R. Dawson for the enrollment of himself and children, Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage of the Cherokee Nation.

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

Q What is your name and age? A Joseph R. Dawson.
Q Are you acquainted with James R. Dawson who is an applicant for enrollment as a citizen by blood? A Yes sir.
Q Are you acquainted with his wife, Martha A. who is also an applicant for enrollment before this Co mission as an intermarried citizen? A Yes sir, they have always lived together; he married her in the State of Arkansas.
Q Has James R. Dawson - How long have you known him? A Ever since he was a baby.
Q How long have you known his wife, Martha A.? A I knew her when she was a little girl. She was raised right close to where we were raised in Arkansas.
Q When were James R. and Martha A. married, how long ago? A It must be 13 or 14 years if I recollect right.
Q Was James R. Dawson ever married prior to his marriage to Martha A.? A No sir.
Q Was Martha A. ever married prior to her marriage, before they were married? A No sir.
Q She is his first wife? A Yes sir.
Q And he is her first husband? A Yes sir.
Q Have James R. Dawson and his wife Martha A. lived together continuously from the time of their marriage up until the present time as husband and wife? A Yes sir.
Q They never have been separated during that time? A N. sir.
Q Were they living together on the first day of September, 1902, as husband and wife? A Yes sir.
Q How long has James R. Dawson lived in the Cherokee Nation? A He has been here-before he was married, I couldn't say exactly.
Q Has he been here for the last ten or twelve years? A Yes sir, he was down on a visit in California.
Q How long has his wife lived in the Cherokee Nation? A When they first married they come right here; he married her in Arkansas.
Q She has lived in the Cherokee Nation ever since she and James R. Dawson were marmed? A Yes sir.
Q Martha A. has never been married to any other manexcept James R. Dawson? A No sir.
Q Are these children, Vinnie D., Ermine C. Edwin C. and Ancil F. the children of James R. and Martha A.? A Yes sir.
Q Are they all living at this time? A Yes sir.
Q Have they lived in the Cherokee Nation ever since their birth up until the present time? A Yes sir.

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D-James R. Dawson et al.

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

E. L. Rothenberger

Subscribed and sworn to before me this18th day of October, 1902.

B O Jones
Notary Public.

CHEROKEE. D. 526

Martha ~~James R~~ Dawson ~~Hal~~

1 W

April 17, 1904. Nos 1 3 to 6 incl. transferred to Cherokee 107415

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

OCT 25 1907 Dawsville 1 and transferred to Muskogee 11-11

Dec 1 3 D H

Cher D 527

0627



Office of
Indian Affairs,
Washington, D. C.,
October 1, 1909.

Respectfully forwarded to the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, with the request that the enclosed copy of a letter from the Secretary of the Interior, dated October 1, 1909, be placed on file in the office of the Commission.

Acting Commissioner.

Secretary.

Applicant REJECTED.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1900.

In the matter of the application of James H. Wimer for the enrollment of himself and children as citizens of the Cherokee Nation; said Wimer being sworn by Commissioner T.B. Needles, testified as follows:

Q What is your name? A James H. Wimer.
Q What is your age? A 30.
Q What is your post office address? A Aften.
Q What district do you live in? A Delaware.
Q Are you Cherokee citizen by blood? A No, sir.
Q By intermarriage? A Yes, sir.
Q For whom do you apply? A Myself and three children.
Q Your wife? A No, sir.
Q What is the name of your children? A Rebecca D.
Q How old is she? A Five years old.
Q Next one? A Jacob F.
Q How old is he? A Three years old.
Q Well? A Permelia M.
Q How oldis Permelia M.? A Three wekks.
Q Have you any proof of birth as to these children? A Yonder is Dr. Dawson who waited on my wife.
Q Is your wife living? A No, sir.
Q What was her name? A Permelia M. Franklin.
Q What is her age? A 24 years old.
Q Have you any certificate of marriage? A Yes, sir.
Applicant presents a duly authenticated marriage license and certificate of marriage, showing that he was married to Mrs. Elli Wimer nee Franklin according to the laws of the Cherokee Nation on the 27th day of February, 1896.
Q Do you want to apply for yourself? A I was married under the United States law; yes, sir, I apply for myself.
1896 enrollment; page 216, #403, Permalia R. Wimer, Delaware.
1896 enrollment; page 216, #404, Rebecca D. Wimer, Delaware.
Q Are these children alive and living with you at this time? A Yes sir.
Q All born in the Cherokee Nation? A Yes, sir.

Com'r Needles:—The name of James H. Wimer does not appear upon the census roll of 1896, and he presents certificate of marriage and marriage license certifying that he was married to one Permelia M. Franklin, a reputed citizen of the CherokeeNation, in the year 1896, too late under the Cherokee law for intermarried whites to receive any right of citizenship, consequently the application he makes for himself will be rejected.

He avers that his wife is the daughter of George W. Franklin and Veranda Franklin, whose names appear on D Card #216, they both being white persons. For testimony as to ditizenship of George W. and Veranda Franklin, father and mother of Rebecca D., Jacob F. and Permelia R., children al applicant James H. Wimer, see testimony in case of George W. Franklin, D Card #216. He presents no certificate of birth as to his last named children, consequently, final judgment as to the applicant for the enrollment of his three children, Rebecca D., Jacob F. and Permelia M., will be suspended and their names willbe placed upon a doubtful card, awaiting the decision of the Commission in regard to their mother. They all averring that they have no indian blood. It will also be necessary for the said J. H. Wimer to present certificate of birth as to his younger children, Jacob and Permelia M., whose names do new appear upon the census roll of 1896. The name of his eldest child, Rebecca D., appears upon the roll of 1896.

---oOOoo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly

James H. Wimer---9.

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. Pearson

Subscribed and sworn to before me this 9th day of October, 1900.

C. H. Thurston

Commissioner.

D527

FILED
MAR [illegible] 1902
CHAIRMAN

"R"

Cherokee D 827

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of James H. Wimer for the enrollment of his minor children as Cherokee citizens.

Appearances:
Mr. Mellette, of Mellette & Smith,Vinita,I.T., attorneys for the applicants;
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicants' father, James H. Wimer, was notified by registered letter February 12,1902, that the application of his children for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission on the first day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant this xday;xtxxxxxx said day, to-wit: the first day of March, 1902, appeared by his attorneys Mellette & Smith, and by agreement with the representative of the Cherokee Nation the case was continued until March 5th, 1902.

The applicant this day, to-wit: the 3rd day of March, 1902, appears by his attorneys, Mellette & Smith, and by agreement with the representative of the Cherokee Nation,present, this case is taken up for final consideration.

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

BY MR. MELLETTE:

Q What is your name? A George W. Franklin.
Q What is your age? A 65, I am near 66.
Q What relation are you to Rebecca D., Jacob F., and Parmelia E. Wimer, the applicants here? A They are my own daughter's children.
Q You are their grandfather? A Yes sir.
Q Who was their mother? A Parmelia E. Wimer, formerly my daughter.
Q Where was Parmelia E. Franklin, the mother of these children, born? A About a mile and a half from Vinita, Saline District.
Q Was Parmelia E. Franklin your daughter by your present wife?
A Yes sir.
Q Where has she lived during her present life, in what country?
A In the Cherokee Nation, part of the time in Delaware and the other part in Cooweescoowee District, never lived only in the two districts.
Q Where are these children living now? A They are living now in Delaware district, about four miles from Afton.
Q Is the mother of these children Parmelia E. Wimer dead or alive?
A She is dead; she died last September a year ago.
Q This Parmelia E. Wimer the applicant is her child is she? A That is her child, born in September a year ago; well her mother never got well after the birth of her child.

BY MR. MELLETTE: I want the Cherokee-Shawnee Pay roll examined for the name of Parmelia E. Wimer.

BY COMMISSION: Upon an examination of the Cherokee-Shawnee pay roll of the year 1896 it is found that the name of one Parmelia Wimer, appears upon page 37, No.740, aged 21 years at that time.

BY MR. HASTINGS:

Q What was the name of the mother of the applicants', your daughter's name? A Parmelia E.
Q Her mother was a white woman? A Her mother was a ~~white~~ ~~woman~~ my present wife, white blood, yes sir.

Q She was a white woman? A Yes sir.
Q You married in Kansas in '74, didn't you testify the other day?
A Yes, I married her in Kansas in '74.
Q You are a white man? A Yes sir. I am white blood, I call myself a white Shawnee.
Q You have no Shawnee blood? A I have no Indian blood, no sir.

BY COMMISSION: There is offered in evidence by the attorney for the applicant duly executed affidavits as to the birthsof Jacob F. Wimer and Permelia E. Wimer as the children of James H. Wimer, and Parmelia E. Wimer.

It is directed that copies of the testimony had in the matter of the application of the applicants' grandfather George W. Franklin, Cherokee No. D-516, be filed with and made part of the record in this case.

The attorney for the applicants and the representative of the Cherokee Nation present submit this case, and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

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

M D Green

Subscribed and sworn to before me this March 4, 1902.

Commissioner.

Chmr
Supp'l to D 527

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 11, 1903.

In the matter of the application for the enrollment of REBECCA D., JACOB F. and PERMELIA E. WIMER, as citizens by adoption of the Cherokee Nation:

JAMES H. WIMER, being first duly sworn, and examined, testified as follows

Examined by the Commission:

Q What is your name ? A James H. Wimer.
Q How old are you ? A I am thirty four years old.
Q What is your post office ? A Woodley.
Q What is your father's name ? A Henry.
Q And what is your mother's name ? A Rebecca.
Q Rebecca D ? A That's my daughter.
Q Are you a citizen of the Cherokee Nation ? A No sir.
Q Now you have a daughter Rebecca D. Wimer ? A Yes sir.
Q Have you any other children ? A Yes sir, got two others.
Q What are their names ? A Jacob F. and Permelia E.
Q What does "E" stand for ? A Ellen.
Q She is enrolled here as "Permelia A" ?
A Yes sir, that's a mistake when I enrolled before.
Q You gave her name as Permelia E ? A Yes sir.
Q That's the way you want her enrolled, Permelia E. Wimer ?
A Yes sir.

---

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

E. C. Bagwell

Subscribed and sworn to before me this July 30, 1903.

Samuel Foreman

Notary Public.

STATEMENT BY J. C. STARR.

Rebecca D. Wimer is a daughter of Geo. W. Franklin and Virenda Franklin, whose names appear on Cherokee Doubtful card 516, and they are both white persons, and consequently Rebecca D. Wimer is a white woman and her children are white. They are only on the 1896 roll.

IN THE MATTER OF THE APPLICATION OF

Rebecca D. Wimer

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of 10/4/00.
Mins of application of 10/4/00
Marriage license
Birth Certificate, Jacob F. Wimer.
Birth certificate, Permelia E. Wimer.
Receipt for testimony
Notice of final consideration 3/1/02

If Supplemental testimony and order
Closing testimony, March 3, 1902
April 26, 1904. Cancelled and Nos.
1 to 3 Transferred to Cherokee 10781.

See Cherokee Jacket R = 2,
2576

Newton 6

Cher D 528

Commissioner.

Chief, Copyright Office.

Washington, D.C.

Dear Sir:

Enclosed herewith are two copies of a motion picture entitled "Voices" which we request be registered as a motion picture photoplay and copyrighted in the name of Lester Cooper.

Please find enclosed a check for $10.00 to cover the registration fee.

Very truly yours,

Lester Cooper

Lester Cooper

---oooOOOooo---

Dear Sir:

Please find enclosed a money order for $10.00 to cover the registration fee on the motion picture photoplay "Voices" by Lester Cooper.

Very truly yours,

Lester Cooper

---oooOOOooo---

D528

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1900.

In the matter of the application of Mamie Matney for the enrollment of herself, husband and children as citizens of the Cherokee Nation of Shawnee blood; said Matney being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mamie Matney.
Q What is your age? A 34 years.
Q What is your post office? A Vinita, Indian Territory.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A Shawnee.
Q For whom do you apply for enrollment? A My husband and two children.
Q Your husband a white man? A Yes, sir.
Q What is the name of your father? A White, I do not remember his name.
Q What is the name of your mother? A Susan Dougherty now.
Q Is she living? A Yes, sir.
Q What is the name of your husband? A David B. Matney.
Q What is his age? A 38 years old.
Q What is the name of his father? A John R.
Q The name of his mother? A Missouri.
Q Are they living? A Yes, sir.
Q Is he a white man? A Yes, sir.
Q Have you a certificate of marriage to him? A Yes, I have-----
Applicant presents proof of marriage according to the Cherokee law to one David Matney, a citizen of the United States, on the 13th day of June, 1893.
Q Have you any children? A Two.
Q What are their names? A Albert John.
Q How old is he? A 12 years old.
Q What is the name of the next? A Louis Franklin.
Q How old is he? A He is 11 years old.
Q These children alive andliving with you? A Yes, sir,
Q You always lived in the Cherokee Nation? A No, sir, just for the last 11 years.
Q Your name on the roll of 1880? A I do not think it is, I was in Kansas going to scholl.
Q By what right do you claim citizenship? A I was not here in 1880, I was up North going to School.
Q Where were you born? A Olatha, Kansas.
Q How long did you live there? A I came down here when I was a baby and I went back up there to go to school.
Q How long did you stay there? A 12 years.
Q Did you return then to the Territory? A I returned then to the Territory when I was married.
Q Married the first time in the States, what time were you married the first time? A First day of May, 1887.
Q Then you returned to the Cherokee Nation and remarried in 1893? A Yes, sir.
Q Ben living here ever since? A Yes, sir.
Q Where was Albert J. born? Q Wyandotte County Kansas.
Q Louis Franklin? A Same place.
Were you ever married before? A No, sir.
Q Your husband ever married before? A No, sir.
Q You been living with him continuously since you married? A Yes, sir, ever since.

BY W. W. Hastings, Cherokee Representative:

Q When did you come to the Cherokee Nation this last time? A 1889.
Q What time was this this last child born? A I came here in 1889 and we were not married until 1893.

Mannie Matney---2.

Q When were you born? A I was born in 1864.

By Commissioner Needles:

Q In Kansas? A Yes, sir.
Q What did you say the name of your mother was? A Susan Dougherty now.
Q What was her name in 1880? A She was living with my father I guess.
Q Did she ever live in the Cherokee Nation? A She has always lived here.

By W. W. Hastings, Cherokee Representative:

Q Who were you living with in the State? A John McCoy.
Q Some of your relatives? A No, sir, they are white people.
Q How old were you when you went up there to go to school? I was seven years old.
Q Did you go to School up there eleven to the time you were married?
A No, sir, not entirely.
Q What was you doing from the time you quit school until you married? A I was living there.
Q With whom? A John McCoy.

1896 enrollment; page [illegible], [illegible]254, Mannie Matney, Delaware.
1896 enrollment; page [illegible], [illegible] 1/2 David R. Matney, Delaware.
1896 enrollment; page [illegible], [illegible], Albert J. Matney, Delaware.
1896 enrollment; page [illegible], [illegible]56, Frank L. Matney, Delaware.

Commissioner Needles:

Q Your mother is not on the roll of 1880? A I think so.

W. W. Hastings, Cherokee Representative:

Q Did your know whether your mother was ever called Huff or not?
A Yes, sir.
Q Did she ever have a husband by the name of Huff? A Yes, sir.
Q What was his given name? A I do not know.
Q You did not know your step-father's name? A No, sir.
Q Never saw him did you? A No, sir.
Q What is the reason your mother did not have you put on the roll of 1880? A I do not know.
Q Where was your mother in 1880? A She was down here.
Q Did she ever go back to Kansas after she came here? A Yes, sir.
Q You swear that she was living in the Cherokee Nation in 1880?
A Yes, sir. She came in 1872.
Q Did she remain? A Yes, sir.

Com'r Needles:--The name of Mannie Matney appears upon the census roll of 1896. She avers that she is the daughter of Susan Dougherty afterwards Susan White. Her age is 16 and her name is not found on the list of Shawnees who went to the Cherokee Nation under the agreement made between the Shawnees and Cherokees, who removed to and located in the Cherokee Nation, according to the 15th Article of the treaty with the United States of May 1866. She avers that she was married to David R. Matney, a white man, in the State of Kansas originally and afterwards according to the laws of the Cherokee Nation and presents certificate certifying to the same.

Mamie Matney---3.

The name of her children, Albert J. and Frank L., appear upon the census roll of 1896, and the name of her husband, David B. Matney, appears upon the census roll of 1896. He records now in the possession of the Commission verify the fact that she removed in accordance with the Treaty with the Cherokee Nation. Her name not being found upon any of the rolls now in the possession of the Commission, final judgment as to the enrollment of herself, husband and three children will not be suspended and their names will be placed upon a doubtful card.

---oOo---

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.

J C Rosson

Subscribed and sworn to before me this 9th day of October, 1900.

C H Breeden

Commissioner.

D528

Enclosure No. 2 to despatch No. 258.

R.
Supplemental----D Card 586.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chelsea, I.T. November 19th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF MAMIE MATNEY FOR THE ENROLLMENT OF HERSELF AND HUSBAND AND CHILDREN AS CHEROKEE CITIZENS.

SUSAN DAUGHERTY, being sworn by Commissioner C. R. Breckinridge, was examined by the Commission through Mr. Caleb DeShane, a duly sworn Shawnee Interpreter, and testified as follows:

Q What is your name? A Susan Daugherty.

Q What is her age? A A little over fifty. She don't know exactly.

Q What is her post office address? A White Oak.

Q Does she know Mamie Matney? A She says yes. That is her d daughter.

Q Where were you livingin 1880? A She said she though she was across the river at that time.

Q What does she mean by across the river? A In the Quapaw Reservation.

Q Does sheknow whether or not she was enrolled in 1880? A She thought she was not enrolled in 1880.

Q Ask her whether she ever took an allotment in the Quapaw Reservation. A No, sir.

Q What was her name in 1880? A Susan Day.

Q What was this husband Day's first name? A John Day.

Q Didshe come to the Cherokee Nation under the treaty with the Shawnees and Cherokees when you came? A Yes, sir.

(EXAMINATION BY MR. DAVENPORT, Counsel for applicant.)

Q Ask her if she married any one else besides Dayand Daugherty. A She says no.

Q Ask her what Mrs. Matney's name was before she married Mr. Matney. A White.

Q Ask her if that was Mrs. Matney's name when the Cherokees made the treaty with the Shawnees to come in here? A She says yes.

Q Ask her if Mrs. Matney came into the Cherokee Nation with her when she came? A Yes, she said she did.

Q Ask her if she knows about what year it was when she came to the Cherokee Nation? A She says when the Shawnees moved here.

Q Ask her if Mrs. Matney left the Territory after that, and if so where did she go. A Yes, she went to Kansas.

Q Ask her if she knows how long she staid there. A She said she went to school there.

Q Well, how long did she stay. A She said she went to school there.

Q Well, how long did she stay? A She said she didn't exactly know.

Q Ask her if she knows where Mrs. Matney is living now. A South of Vinita.

Q Ask her if she knows how long she has been living there. A She thinks it was about ten or twelve years.

Q Ask her if Mrs. Matney is a Cherokee byblood. A She said she was a full blood Shawnee.

Q Ask her if she knows where Mrs. Matney was in 1880 when the roll was made. A She was in Kansas, she said. She was going to school at the time.

Witness excused.

------o------

Henry P. A. Rogers, being introduced upon behalf of the applicants, was sworn by Commissioner C. R. Breckinridge, and being examined by Mr. Davenport, counsel for applicants testified as follows:

Q What is your name? A Henry P. A. Rogers.
Q What is your age? A Sixty-nine.
Q What is your post office address? A Vinita.
(Examination conducted through Shawnee Interpreter, Mr. Caleb DeShane, heretofore duly sworn as such.)
Q Ask him if he knows Mrs Mamie Matney. A Yes, sir.
Q Ask if heknows who she was before shemarried? A She was a Shawnee.
Q But what was her name? A He don't know, he says.
Q Ask him if he ever knew her before she was married to Matney, and if so where she wasliving. A She was living at old man McCoy's up inKansas.
Q Ask him if he knows when that was. A He said he expects she has been there ever since 1873.
Q Until what time, ask him if he knows. A She was there until she was married to Matney.
Q Ask him since that time if he knows where she has been living. A They moved to the Cherokee Nation.
Q Do you know how old she was when she married Mr Matney. A She was about seven or eight when she was taken to Kansas, he said.
Q Ask him where she lived before shewent toKansas, if he knows. A She was here in the Cherokee Nation.
Q Ask him with whom she lived. A She was living in this District on Pawpaw Creek.
Q Ask him when she left to go back to school up there. A In 1872, about the firstof December, somewhere about 1872 he said. He took her up there.
Q Ask him if any one else went along.
A Boss Steele and William Carpenter.
Q Ask him if she was there in 1880 and how old she was then.
A She was at School in1880.
BY MR. CALE STARR: (Cherokee Representative) How long did Mrs. Matney live in Kansas after she was married the first time to her husband? A He said he couldn't state that exactly.

Witness excused.

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OBEDIAH TIBLOW, being called upon behalf of the applicant, was sworn by Commissioner C. R. Breckinridge, and being examined by the Commission testified as follows:
(Examination conducted through Shawnee Interpreter, Mr. Caleb DeShane, heretofore duly sworn.)
Q What is your name? A Obediah Tiblow.
Q What is your age? A Forty-four.
Q What is your post office address? A Collinsville.
Examination by Mr. Davenport, counself for applicants.
Q Ask him if he knows Mrs. Mamie Matney. A Heknows her.
Q Ask him if he knows what her maiden name was before she was married to Matney, her maiden name. A He don,t know her English name.
Q Well, did he know her Shawnee name. Maybe somebody could tell what the English of it was. A Cetille.
Q Ask him if he knows where she was in 1880 A He said he didn't know.
Q Ask him if he knows whether or not she was one of the registered Shawnees who enrolled down here as Shawnees when the Shawnees treated with the Cherokees. A Yes, sir.
Q Ask him if he knows by what name she was enrolled. A He said he didn't know exactly what the name was, what her name was/
Q Ask him if he knows when she married, when she married Matney.
A He cantt state that.

Q Ask him if heknows where she is living now. A She is now living close to Vinita, he said.

Q Ask him if he knows how long she has been living there. A He said he couldn,t state that.

Q Ask him if he knows what her mother's name was.in 1880. A Susan White.

Q Ask him if he knows what Mrs Matney's mother's name was when the Shawnees made the treaty and this roll was made up. A (No response.)

Q Do you know what Mrs. Matney's mother's husband, the man Day she married, what his firstname was? A He don,t know.

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MAMIE MATNEY, being sworn by Commissioner C. R. Breckinridge, was examined by the commission and testified as follows: A

Q What is your name? A Mamie Matney.

Q What is your age? A Twirty-six.

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

EXAMINATION BY MR. CALE STARR, Cherokee Representative.)

Q How long did you live in Kansas after you were married to your husband, the first time? A Two years.

Q Before you came to the Cherokee Nation? A Yes, sir.

MR. DAVENPORT (Counsel for Applicant) You then remarried according to Cherokee law, after you came? A Yes, sir.

MR. STARR: (CHerokee Representative) your

Q How old were you at the time you married husband the first time? A I was twenty-four.

-----o-----

The undersigned being sworn, states tat as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental proceedings in this application for enrollment at the time and place abovementioned, and that the foregoing is a correct and complete transcript of hisstenographic notes thereof.

Wm. J. Morris

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

C. R. Breckinridge

Commissioner.

Marriage license is this the 13th day of June 1898 issued to to David Mahney a citizen of the U.S. to marry Miss Mamie Mahney a Cherokee citizen. His recommendation was signed by the following named Cherokee citizens as required by law.

| | |
|---|---|
| 1 T.M.Buffington | 7 T.C.Gowen |
| 2 Adam Dick | 8 Henry J.Rogers |
| 3 B.C.Chouteau | 9 Thos. White |
| 4 S.S.Blujacket | 10 Thos Dougherty |
| 5 J.A.Thompson | 11 James Flint |
| 6 T.F.Thompson | 12 Cyrus Cornatzer |
| | 13 A.J.Chote |

They were married by W.H.Drew depty clk Cooweescoowee Dist C.N. on this the 13th day of June 1898 and recorded on this the same date.

W.H.Drew, Depty clk.

Executive Office Cherokee Nation,
Tahlequah Ind.Ter.

I,B.W.Alberty assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Cooweescoowee District Cherokee Nation now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 25th day of March 1901.

B.W. Alberty

Assistant Executive secretary.
Cherokee Nation.

Marriage license is this the 13th day of June 1893 issued to David Matney, a citizen of the U.S. to marry Mrs Mamie Matney, a Cherokee Citizen.

His recommendation is signed by the following named Cherokee Citizens as required by law:

| | |
|---|---|
| 1.T.M.Buffington | 7.J.E.Cowan. |
| 2 Amos Dick | 8.Henry P.Rogers, |
| 3.R.C.Chotean | 9.Thos. Waite. |
| 4.A.S.Bluejacket. | 10.Thos.Dougherty. |
| 5.J.A.Thompson. | 11.James Flint, |
| 6.T.F.Thompson. | 12.Cyrus Sarcatsey |
| | 13.A.J.Chote. |

They were married by W.H.Drew, deputy. clk, Cooweescoowee Dist.C.N. on this the 13th day of June 1893 and recorded on this the same date.

W.H.Drew, Deputy Clk.

Executive Office Cherokee Nation,

Tahlequah, I.T.

I,B.W.Alberty, assistant Executive secretary, of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Cooweescoowee District Cherokee Nation, now filed in this Office and is in my custody.

Given under my hand and the seal of the Cherokee Nation, this the 22nd day of September, 1901.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation

[illegible] before you then? A. Because I was clerk for
Q. Did Wallace make a roll of all the Brewmen?
Q. Did he write those that were living [illegible] you did?
A. He did it in the same style [illegible] Brewmen [illegible]
the chorokee Nation in 1893 [illegible] I don't know anything about the Creek-
man roll.

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It is ordered that copies of the testimony filed in the matter of the application of Susan Dougherty, the applicant's mother, be made a part of the record in the present application. It appears that the said Susan Dougherty is listed on Cherokee Straight case #3104.

* * * * * * *

Chas. von Fels, 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 cause and that he transcribed the same, true and correct transcript of the stenographic notes thereto.

Chas von Fels

Subscribed and sworn to before me this 30th day of October, 1901.

[illegible]

Commission expires [illegible]

Dated at Muskogee, I.T. 1901

Dated at Muskogee

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28, 1901.

In the matter of the application of David D. Matney, Cherokee Doubtful case # 528. SUPPLEMENTAL TESTIMONY.

Appearances:
J. L. Baugh for the Cherokee Nation
James S. Davenport forthe applicant:

JOHNSON BLACKFEATHER, being first duly sworn by the Commission testified as follows on the part of the applicant, through Thomas Daugherty as a sworn interpreter.

( By Mr. Davenport )

Q What is your name? A Johnson Blackfeather.
Q Where do you live? A About 9 miles southeast of here.
Q How long have you lived in the Cherokee Nation? A Since about '70 or '71.
Q What Nationality are you? A Shawnee.
Q Do you claim under the treaty between the Cherokees and the Shawnees of 1869? A Yes sir.
Q Do you know Susan Dougherty now? A Yes sir.
Q How long have you known Susan Dougherty? A About 40 years.
Q What was her name when you first knew her? A Her maiden name was White.
Q Do you know whether or not Susan Dougherty had any children before she married Dougherty? A Yes sir.
Q How many had she? A Four.
Q Do you know what their names were? A Yes sir, one named Fannie. One name Julie and one ~~[illegible]~~ was called Mamie.
Q What was Susan Dougherty's name when the Shawnees made their treaty with the Cherokees and furnished their roll to the Cherokees? A Day.
Q What was her husband's name——what was Day's first name? A John Day.
Q Did John Day and his wife Susan, who is now Susan Dougherty, come to the Cherokee Nation when the Shawnees came? A Yes sir.
Q Did Susan Day bring any of her children with her to the Cherokee Nation when she came? A Yes sir they came to the Cherokee Nation too
Q Do you know whether or not Mamie came? A Yes sir.
Q Do you know Isaac and Cummings Day? A Yes sir, half brothers of John Day.
Q Did they belong to the Shawnee tribe? A Yes sir.
Q Did John Day have any sisters? A One half sister Mary; that is on the father's side.
Q Do you know where Susan Dougherty or Day was living when the 1880 roll was made? A I think they were living over about the Quapaw Agency at that time.
Q When was Dougherty and Susan married if you know? A About '88, somewhere about that time.
Q Do you know where Mamie Day was when the roll of 1880 was made? A Up in Kansas.
Q Was she living there, or what was she doing there? A Going to school.
Q Do you know when she went to Kansas to go to school? A I dont exactly know, but think about '73 or '74.
Q Did you ever know Mrs. Susan Dougherty by any other name than Day or White? A She goes by the name of Susan Haff too.
Q After that she married Dougherty? A Yes sir.

BY MR. DAVENPORT: I would like to have the rolls of the Shawnees examined for the name of Mamie Day and John Day.

It appears from the register of names of members of the Shawnee tribe of Indians who removed to and located in the Cherokee

Nation, Indian Territory within two years from the 8th day of June 1889, in accordance with an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians on the 7th day of June 1889, and approved by the President of the United States on the 9th day of June 1889 in accordance with the Fifteenth Article of the Cherokee treaty with the United States, proclaimed August 11th 1888, there appears the name of one "John Day" Number 387 and the name of "Day" number 388.

( By Mr. Davenport of witness )

Q Do you know the Susan Dougherty now, to be the same woman that you knew as Susan Day and Susan Huff? A Yes sir, that is Al.

( By Baugh )

Q Where was Mannie Day born at? A Up in Kansas.
Q What relation was Mannie Day to Mary Day? A No kin.
Q About when was Mannie Day born? A I dont know Mannie Day.
Q What are you testifying to then? A Mannie White is the one.
Q What relation was Mannie White to Mary Day? A No kin.
Q Where was Mannie White born at? A Up in Kansas.
Q Where? A Near Shawneetown.
Q When? A About '63 or '4.
Q Did she come to this country with the Shawnees after the compact was made with the Cherokees? A Yes sir.
Q Why doesn't her name appear upon the Shawnee roll? A I dont know how that come ; it ought to be on there, I can't read and I dont know if it is on it or not.
Q Did the mother of Mannie White have any other child besides Mannie White? A Yes sir, she had other children.
Q Did they come to this country with her? A Yes sir.
Q Does their names appear upon the rolls? A I reckon so,
Q What was the names of them other children? A One was named Fannie Carpenter, by marriage.
Q Was that her name when she came here? A ( No answer )
Q Did she have any younger children by the name of White when she came her? A No sir, she never had no younger child than this one.
Q I want to know if there were any children younger, under age and unmarried, that came here with the mother of Mannie White besides Mannie White? A That is all, that one is.
Q Do you know when Mannie White was married to Matney? A I wasn't there.
Q Do you know from rumor? A They were married in Kansas
Q How old was this girl when you people came from Kansas here? A About five years old.
Q Had she started in to school at that time? A No sir they were here probably two or three years in the Nation and and then they taken her to Kansas to school.
Q How long did she remain there the time? A I cant exactly tell how long, she lived here up to '73 or '4 and staid there, well until they came back down here.
Q Staid there until after she was married? A Yes sir.
Q How long after she was married was it before he came to his country again? A I dont know.
Q When Matney and his wife returned to the Cherokee Nation after their marriage did they have any children? A Yes sir they had children.
Q How many? A Two.
Q Do you know what their names were? A No sir, but they were both boys.

THOMAS DOUGHERTY being first duly sworn by the commission testified as follows on the part of the applicant:

( By Mr. Davenport )

Q What is your name? A Thomas Dougherty.
Q What is your age? A 51.
Q Where do you live, your post office? A Vinita.
[illegible]

Q Do you know the applivant here, Mammie Matney? A Yes sir.
Q How long have you known her? A Ever since she was a baby.
Q What was her name when the Shawnees made the treaty with the Cherokees and made their rolls showing to the Cherokees what Shawnees they had in their tribe? A White.
Q What was her mother's name at that time? A Day, Susan Day.
Q What was the name of Susan Day's husband at that time? A John Day
Q Did Mammie White come here with the Shawnees when they came to the Cherokee Nation? A Yes sir.
Q Do you know where Susan Day, who is now Susan Dougherty, was in 1880? A I think she was in the Quapaw Agency.
Q Where was Mammie White at that time? A Up in Kansas.
Q At what place, or with whom? A I dont know who she was with but she was up near Kansas City.
Q What doing? A Going to school.
Q Do you know if she lived with any one else besides her mother before she came here? A Yes sir.
Q Who? A Obediah Tiblow.
Q Who was Obediah Tiblow? A A Shawnee Indian.
Q Did he come to the Cherokee Nation with the Shawnees? A Yes sir.
( By Baugh )
Q Where was Mammie White born at? A In Kansas.
Q About when? A I dont know exactly.
Q Well, about when? A Somewhere about '64.
Q Did she move to this country with her parents? A Yes sir.
Q Does her name appear upon the Shawnee roll? A Yes sir, well it dont appear as Mammie White, but as Susan.
Q How long did she remain here? A Until about '73 or '4.
Q Where did she go then? A Back to Kansas.
Q What for? A She went with her sister and went to school there
Q How long did she stay up there while she was going to school there? A I cant say.
Q Was she married when she returned? A Yes sir.
Q Did they have any children then? A Yes sir, two boys.
( By Davenport)
Q Where was her mother living when she was back in Kansas? A In the Cherokee Nation part of the time and part of the time in the Quapaw Agency.
Q You say Mammie White is not on the register as Mammie, is there any name on the rolls that you think is intended as her name? A
Q It says " Mammie White and Obediah Tiblow."
Q Which roll? A This one here is a copy of the original roll.
Q Do you know where the original roll is that was made by the Shawnees A I do not.
( By Baugh )
Q Was Mammie Matney and her husband David Matney returned here did they go to the Cherokee National Council and ask for re-admission, or was they ever readmitted by any constituted authority of the Cherokee Nation after that? A I cant state that.

S. S. CLOVER being first duly sworn by the Commissions testified as follows on the part of the applicant:

( By Davenport )
Q What is your name? A S. S. Clover.
Q What is your post office address? A Vinita.
Q How long have you lived here? A 14 years.
Q Are you acquainted with the applicant in this case? A Yes sir.
Q How long have you been acquainted? A From 188.
Q Have you had some connection with the Shawnee affairs? A Yes sir
Q Did you know Mr. Gernatzer who was clerk of their Council and kept the records? A Yes sir.
Q What was his first name? A Samuel.
Q Are you acquainted with his hand writing? A Yes sir.
Q Have you any rolls in your possession kept by Mr. Gernatzer? A Yes
Q Examine that roll ( hands witness roll) and see if it is in Mr.

Cornatzer's hand-writing? A

BY MR.BAUGH: I will object to that testimony unless he is an expert. BY THE COMMISSION: THE OBJECTION WILL BE NOTED.

A I believe it is.
Q You have had some occasion to become familiar with Mr. Cornatzer's hand writing have you? A Yes sir.
Q Examine that roll and see if there is any name on that roll by the name of " Whit e" with an explination to it?

BY MR. BAUGH: Now comes the Cherokee Nation and objects to the introduction of this evidence for the reason that they dont prove that this is the original roll, or that if it is not that the original roll is lost, and because we dont know thathis is a correct roll as persons could put any name on paper they wanted to.
BY THE COMMISSION: Let the roll be examined and the objection be noted.
A I find here one relating to the mother of the applicant.
BY MR. DAVENPORT: I desire now to offer that part of the record referred to by the witness with the explination in order to identify the applicant on the roll of Shawnees which was authenticated by the Cherokee Nation and approved by the President of the United States.
( By Mr. Davenport of the witness) Please read that explination.
A I find here that " White No.696 " has an explination made to it " Susan White is at Obediah Siblow's.
BY MR. DAVENPORT: I want to offer that part of the Shawnee roll which was authenticated by the Cherokee Nation and approved by the United States with the word "WHITE" without any Christian name.

BY THE COMMISSION: This printed roll now in the possession of the Commission and above referred to, shows that on number 696 there appears the name of "White" without any Christian name or explination .
( By Mr. Baugh of witness )
Q How long have you lived in the Cherokee Nation? A Since the first of December, 1887.
Q Are you a Shawnee by blood? A No sir.
Q How are you identified with the Shawnee tribe? A I have been appointed clerk of the business Commission.
Q Are you an intermarried Shawnee? A No sir.
Q Just a white man? A Yes sir, no claimant.
Q How do you know that Susan White who appears on that roll is the Mamie Matney who makes application for citizenship or for enrollment before this Commission now? A I know because she made application for it and her mother sworn to it before me and also two Shawnee witnesses, and from the affidavits of their officers, the officers of the Shawnee tribe of Indians swore to it.
Q What was the object of their appearing before you? A It was done for the purpose of enrolling this woman on the roll made up by John W. Wallace in 1889.
Q Do you know where this woman had been living? A No sir.
Q When was this application made before you? A In the fall of '89.
Q Was she married then? A Yes sir.
Q Where was she living? A The first time I saw her she was in Vinita.
Q Did she say where she was from? A Kansas.
Q Who was John W. Wallace? A United States Special Commissioner appointed by the Secretary of the Interior.
Q Then she made this application before you in order to go before Wallace and be admitted to citizenship in the Cherokee Nation? A Yes sir.
Q Then she must have recognized the fact that she had forfeited her rights then? A No sir.

Q Did you fully before you that A Because I was thinking [illegible] and [illegible] waiting for the Shawnees.

Q [illegible] being a roll of all the Shawnees? A Yes sir.

Q Did he omit names that were living in Kansas and Oklahoma? A No sir.

Q Did it in the same style that he did with he freedmen roll of the Cherokee Nation didn't he? A I dont know anything about the freedmen roll.

---

It is stipulated that copies of the testimony filed in the matter of the application of Susan Dougherty, the applicant's mother, be made a part of the record in the present application. It appears that the said Susan Dougherty is listed on Cherokee Straight case #2184.

* * * * * * * *

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 20th of October, 1901.

Commissioner

"R"

D 528

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of David B. Matney, for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 14, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Mr. Hastings: Come now the representatives of the Cherokee Nation and move a continuance in the above cause for the reason that they have had subpoenaed a witness upon this day to disprove the citizenship of applicant, and a letter was received bearing date of February 28, from the witness, stating that the subpoena had been received, but that he was unable to attend because of the sickness of himself.

The request of the Cherokee Nation will be complied with, and the case continued to the 8th day of March, 1902.

---

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. Bagwell.

Subscribed and sworn to before me this March 4, 1902.

M D Green
N P

Commissioner.

Supl.-C.D.#528.

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

SUPPLEMENTAL in the matter of the enrollment of DAVID B. MATNEY, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Mx Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney, when an opportynity would be given him to introduce any further testimony affecting his applicantion. On the 1st day of March, 1902 the case was called and at the request of the Attorney, J. S. Davenport, the case was continued until the 11th day of March, 1902. The same being this day, to-wit: the 11th day of March, 1902, been called and the applicant fails to respond either in person or by attorney, and the case will be considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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

---oooOOOooo---

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

J O Rosson

COMMISSION TO [illegible]

FILED

NOV 1 1902

[illegible]

Cher-D528.

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

In the matter of the application of David B. Matney for enrollment an an intermarried Cherokee citizen, and for the enrollment of his wife, Mamie, and his children Albert J. and Louis J., as citizens by blood of the Cherokee nation.

David B. Matney, being first duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A David B. Matney.
Q How old are you? A Forty years.
Q What is your postoffice address? A Vinita, I. T.
Q Are you a white man? A Yes sir.
Q Claiming theright to be enrolled as an intermarried citizen of the Cherokee nation? A Yes sir.
Q What is your wife's name? A Mamie.
Q Is she an adopted Shawnee? A Yes sir.
Q How long has she been living in the Cherokee nation? A She has been here since 1887 I think.
Q Was she admitted to citizenship in 1887? A Yes--1889 was when we come here.
Q She was admitted in 1887 and came here in 1889? A Yes sir.
Q And have lived in the Cherokee nation since 1889?
Q Is she your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Were you married under a Cherokee marriage license? A Yes sir.
Q Have you been living together ever since you were married? A Yes sir.
Q In the Cherokee nation? A Yes sir.
Q Never lived anywhere else? A No sir.
Q How many children have you? A Two.
Q Both living? A Yes sir.

Examination by Mr. Starr--Cherokee representative:
Q Don't you know your wife was not admitted in 1887? A 1887 if I am not mistaken---wait one minute. In 1888 or 1887; we was married in 1887 and she was admitted in 1889.
Q Was she ever admitted? A If I am not mistaken, she was.
Q Under what authority? A Her mother I suppose; she went back up north and went to school.
Q She never applied to any citizenship commission or council for admission?
A Not as I know of.
Q You know she didn't, don't you?
A Her mother lives out--
Q Answer the question? A I can't say.
Q You know she didn't apply while she was living with you? A We just supposed she was all right. That she would be all right.
Q But you testified she was admitted? You don't know anything about it?
A No sir.

-----o---

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

Frances R. Lane

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

T. B. [illegible]
Notary Public.

Cherokee D-528.

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

---o---

In the matter of the application of Mamie Matney for the enrollment of herself and her two minor children, Albert J. Matney and Louis F. Matney, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of her husband, David B. Matney, as a citizen by intermarriage of the Cherokee Nation.

-- -- -- -- -- -- -- --

## DECISION.

--:o:--

The record in this case shows that on October 4,1900, Mamie Matney appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and her two minor children, Albert J. and Louis F.Matney, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of her husband, David B. Matney, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at the following places in the Indian Territory, viz:-- at Chelsea on November 19, 1900, at Vinita on October 22, 1901, and at Muskogee on March 1, 1902, March 11, 1902, September 29, 1902, and October 23, 1902.

The evidence shows that the said Mamie Matney was born in Kansas in 1864. Her father was one, White, christian name not known, and her mother is Susan Dougherty, who was then married to said White. Her mother was subsequently married to John Day, and still later to one, Dougherty, by which name she is at present known. The maiden name of Mamie Matney was Mamie White, but she is also known by the names of Susan White and Mamie Day.

Upon examination of the 1871 Register of Shawnee Indians who removed to the Cherokee Nation within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation on June 7, 1869, and approved by the President of the United States on June 9, 1869, there is found the name of John Day (No. 287), and immediately following that the name of "Day" (No. 288), no christian name being given. There is strong and convincing evidence in the record showing that Mamie Matney and her mother are Shawnees by blood, and that they removed to the Cherokee Nation under the agreement above mentioned and within the time limited. There is also some oral evidence to the effect that the applicant, Mamie Matney, appears on said Register by the name of Susan White. An examination of said Register shows that the name of "White" is found thereon (No. 696), no christian name being given.

In said agreement between the Shawnee tribe of Indians and the Cherokee Nation, it is provided --

> "that the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation".

It appears from an examination of the records of the Cherokee Nation in possession of the Commission, that the applicants, Mamie, Albert J. and Louis F. Matney, are identified on the 1890 Census Roll of said Nation as adopted Shawnees (Delaware District,

Nos. 2141 - 2142 - 2143); and on the pay roll of Cherokee Shawnee citizens of the Cherokee Nation, as disbursed by D.W.Lipe, Treasurer of said Nation, authorized by an Act of the National Council, approved March 30, 1898. The evidence further shows that all the applicants herein, except David B. Matney, are identified as adopted Shawnees on the 1896 Census Roll of said Nation, and that David B. Matney is identified on said roll as an adopted White.

It further appears that on June 13, 1893, David B. Matney was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to the said Mamie Matney, whom he had previously married on May 1, 1887, according to the laws of the State of Kansas.

The said Mamie Matney, nee White, first came to the Cherokee Nation at the time of the removal of the Shawnee Indians thereto about 1869 or 1870, and remained there until 1872, when she went to Kansas to attend school. She remained in said State until 1889, when she returned with her said husband to the Cherokee Nation. She and her said husband have resided together in said Nation continuously from 1889 up to and including September 1, 1902, and the said children, being minors, are presumed to have resided with their parents during that time.

It is, therefore, the opinion of this Commission that Mamie Matney, Albert J. Matney and Louis F. Matney should be enrolled as citizens of the Cherokee Nation of Shawnee blood, and that David B. Matney should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes.

Muskogee I. T. December 19th 1902.

In the matter of the application of David B. Matney et al for enrollment as citizens of the Cherokee Nation.

Cherokee D 528.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case on December 10th 1902 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case is very uncertain indeed and not satisfying as to whether or not Mamie Matney, wife of David B. Matney ever came to the Cherokee Nation prior to 1889; it is true a number of full blood Shawnees make unsatisfactory statements about the applicants coming to the Cherokee nation but none of them are specific or seem to know Mamie Matneys maiden name. We do not agree with the judgment of the Commission that she has ever been identified upon the 1871 Shawnee roll and it is hardly probable that a full blood ~~Ignorant~~, ignorant, shawnee woman would send her daughter in the year of 1873 back to the State of Kansas to school when she was only about eight or nine years old; schools were scarce at that time and there were more schools convenient in the Cherokee nation that were free than there were in Kansas and it is highly improbable and we say that to our judgment it convinces us to a moral certainty that a full blood Shawnee mother who could not read or write would not bring her young daughter with her down to the Cherokee Nation ~~as~~ and immediately send her back to Kansas where she remained for a period of sixteen years; the length of time of her remaining in Kansas clearly refutes the idea that she was going to school there because she was twenty-three years of age when she married in 1887 and even after her marriage she remained there and lived there until her two children were born. Now anyway after she was eighteen years of age her residence was in Kansas hence her legal residence was in Kansas from 1882 until 1889;

provided she was ever in the Cherokee Nation prior to 1882, which we very much doubt and in fact there is no testimony in this case, knowing the full blood Shawnees as we do, that satisfies us that this applicant was ever here prior to her marriage.

The act of June 10th 1896 compells the Commission to give due force and effect to all of the laws of the Cherokee Nation, not in consistent with those of the United States. Now the Cherokee Constitution Article I Section 2 provides that:

"Whenever any citizen of this nation shall remove out of the limits of the Cherokee Nation with his effects and becomes a citizen of any other government all of his rights as a citizen of the Cherokee Nation shall cease"

and the Constitution further provides that such citizen may be readmitted by the National Council..

In the event that Mamie Matney was ever a citizen of the Cherokee Nation, after she became of age her residence was in Kansas and after that time she had no effects whatever in the Cherokee Nation and particularly after her marriage to herhusband in 1887 whose home, residence and citizenship was here in the state of Kansas where she found her husband, as was decided by the Honorable Secretary of the Interior in the case of Henry C Hayden, Cherokee Freedmen Doubful No 498; while if David B. Matneys citizenshipand residence was in Kansas and she became a citizen of the State of Kansas like any other citizen of the Cherokee Nation it became incumbent upon her to memoralize the National Council upon her return to the Cherokee Nation for readmission to citizenship in the Cherokee Nation.We do not find her with any degree of certainty upon any roll prior to 1889 when she heard that John W. Wallace was going to make an ex parte Shawnee roll upon which money was to be paid and then for the first time in our judgment she made haste for the Cherokee Nation.

The applicant may be of Shawnee blood but there are thousands of Shawnees who are not entitled to citizenship in the Cherokee Nation and only those whose names appear upon the Shawnee register of 1871 and their descendants since born are entitled to be enrolled as citizens of this Nation.

If the Honorable Secretary of the Interior should find against our

contention that this applicant came to the Cherokee Nation with the Shawnees in the first place we do not see how he can escape finding with us in the further contention that she forfeited her right to be enrolled as a citizen of the Cherokee Nation of Shawnee blood by removing out of the limits of the Cherokee Nation, becoming a citizen of the State of Kansas, marrying a citizen of that state where she continued to reside until two children were born to them, when she was then seven years past her majority. All of the witnesses in this case are evasive. None of them seem to know very much about the applicant or if they do their evidence is not at all satisfying. The impression is left through the whole of it that there is something wrong about this case.

The Cherokee Nation most earnestly asks for the serious consideration of the Secretary of the Interior upon review.

Respectfully submitted,

W W Hastings
Attorney for the Cherokee Nation.

Attest:

J C Starr
Stenographer for the Cherokee Nation.

Vinita I. T. August 26th 1901.

R. W. Albert, Esq.,

Tahlequah I. T.

Dear Sir:

Please furnish us for the usef the Cherokee Nation a certified copy of the complete marriage record showing certified copy of petition and ma riage license and marriage certificate issued to David B. Matney to marry his wife.

Marriage licenses were issued on June 13th 1893 and they were married on same date. We want a certified copy of everyth ing you have on record in this case.

J. U. Starr

[illegible]

[illegible]

# ATTORNEYS FOR CHEROKEE NATION

[illegible]

[illegible], I. T. Feb. 19, 1902.

Mr. John McCoy,

[illegible],

[illegible].

Dear Sir:-

[illegible] Eatner, the wife of David S. Eatner, whose age is now about thirty-seven years, has applied to the U. S. Commission for enrollment. She states that she lived at your house for a number of years while she was going to school in Kansas. Will you please advise us when this woman left Kansas, and came to the Indian Territory?, and also how long she lived in Kansas? What was her maiden name? She probably went by the name of Hazie Chotean. Please advise who was her mother and her father, and if either of them are living, and where they now live.

Yours very truly,

C. 528

---

INDIAN TERRITORY,
Cherokee Nation.

I hereby certify that I served the within

[illegible] 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 2-2 [illegible] 2

[illegible]

Attorney for Applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cherokee Nation. } ss.

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.

---

[illegible]

[illegible] 20 190[illegible]

# NOTICE!

**David R. [illegible] et al**

IN THE MATTER OF the application of ______________

for enrollment as Cherokee citizens

Case No. D [illegible].

To **David R. [illegible] et al, R. [illegible] and Smith Attorneys.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on **March 1, [illegible]** ______________ 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 **FEB 19 [illegible]**

W. W. Hastings

______________

Attorneys for the Cherokee Nation.

[illegible]

July [illegible]

[illegible]

[illegible]

[illegible]

Very truly

[illegible]

[illegible]

[illegible]

[illegible]

Chareton I-[illegible]

[illegible]

Muskogee, Indian Territory, August 28, 1903

E. H. Darling,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rendered December 31, 1902, granting the application of Hassie Hainey for the enrollment of herself and her two minor children, Albert J. and Jessie L. Hainey, as citizens of the Cherokee Nation of Indians and for the enrollment of her husband, David H. Hainey, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except David H. Hainey, on August 24, 1903.

The Department's letter states:

"The rights of the applicant, David H. Hainey, who claims to be intermarried citizen of the Cherokee Nation, will not be adjudicated by the Department at the present time but will await the decision of the Court of Claims upon the question submitted by the Department to said court on February 24, 1903, relative to the rights of intermarried Cherokee citizens."

Respectfully,

Chairman.

( COPY )

D.C.52903-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 1926-1903. November 28, 1906.

L.R.B.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of August 18, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including David B. Matney, as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said David B. Matney is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inc. for Ind. Of.

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 528.

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

Muskogee, Indian Territory, December 12, 1906.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of David B. Matney as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-12.
S.W.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D. C. D. 528.

United States Indian Agent,

Wyandotte, I. T.

Dear Sir:

Please examine your records and of allotments and if you find that Susan Daugherty, who is some times called Susan Day or Susan duff, has ever received an allotment of land in any of the Nations under your jurisdiction; or if she is carried on any of the annuity rolls, and if so kindly make us a certificate to that effect. If she has any children who have received allotments or annuities make certificate to that effect also. Also examine your records and see is Mamie Matney has ever received allotment in that country.

Thanking you for an early reply, I am,

Yours very truly,

Oct 4. 1900 —

Mamie Matney age then 36 years old

Married in Kansas
May 1st 1887
Was 24 years old then
& lived there two
years & then came
to the CN &
remained
June 13, 1893

1864
18
1882

She became of age
18 years old in
1882 and continued
to reside in Kansas
until 1893 — or
at least 10 years
after she became
of age & her two
children born in
Kansas — marriage
license says her
maiden name
was Chanteau.

~~Supposed Affd.~~

IN TEN DAYS RETURN TO
SMITH & McCULLOCH,
ATTORNEYS-AT-LAW,
VINITA, - IND. TER

VINITA
IND. T.

D 528

Missouri, Kansas & Texas

W. W. Hastings,
Muskogee
I. T.

CHEROKEE

David B Matney et al.

OCT 25 1907

D529

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 6, 1900.

In the matter of the application of Mandy Young for the enrollment of herself as a Cherokee citizen, being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give me your name? A Mandy Young.
Q How old are you? A I am 37.
Q What is your post-office? A Nowata.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll, yourself?
A Yes sir.
Q You don't apply for your husband? A No sir.
Q You just apply for yourself? A Yes sir.
Q Are you a Cherokee? Yes sir, Cherokee Shawnee.
Q How long have you lived in the Cherokee Nation? A I don't know.
Q All your life? A Yes sir
Q What is the name of your father? A William Francis.
Q Is he dead or alive? A Yes sir, he was dead before I knew anything.
Q Give your mother's name? A I don't know her name. Only they called her Smarty.
Q When were you married, - how many times have you been married?
A Twice.
Q When were you married the first time? A Charlie Tongnoxie.
Q Is he dead? A Yes sir.
Q That was about 10 years ago? A About 10 years ago.
Q When did you marry the next time? A About a year ago.
Q Who did you marry that time,- is he young man here? A Yes sir, Dan Young.
Q What was your name before you married Tongnoxie? A Mandy Francis.
Q Where were you born? A I was born in Tennessee.
Q Did you come here with the Shawnees? A Yes sir
1880 roll and 1896 roll examined for applicant and name not found.
Interpreter, Caleb Lesharo:
Interpreter says he thinks she was married to a man named Washington
Q Did you live at one time with a man named Washington? A Yes sir, yes sir.
Q What was his full name? A Ed Washington.
Q Cherokee Shawnee Pay Roll, 1896, page 38 gives Amanda Washington.

Com'r Breckinridge: The applicant is identified on the Shawnee pay roll of 1896 as Amanda Washington, she states that she has lived in the Cherokee Nation all her life, and she is part Cherokee and part Shawnee; she has very little information about her past life; she is apparently a full-blood Indian, speaks English imperfectly; she will be placed at this time upon a doubtful card, with a view to her identification on the roll of 1880.

M.D. Green, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 9th day of October 1900.

C. R. Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 18 1908

ACTING CHAIRMAN.

2529

S U P P L E M E N T A L  T E S T I M O N Y .

"D" #329.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 14th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Amanda Young as a citizen of the Cherokee Nation by Shawnee blood:

JAMES F. TYNER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A James F. Tyner.
Q What is your age? A 40 years old.
Q What is your post office address? A Skiatook.
Q Do you know this woman Amanda Young? A Yes, sir.
Q What do you know about her? A I do not know exactly how old she is. I have known her ever since she was a little child. They lived in the same neighborhood I did. Her name is Jennie Spibuck.
INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:
Q What was her father's name? A I do not know her father.
Q Did you know her mother? A Yes, sir.
Q What was her name? A Her name was Mary, she had a brother named George.
Q Did she have any relation by the name of Nancy? A She had a sister named Eliza.
Q What was George's wife's name? A Mary.
Q Do you know whether Jennie ever lived with George? A Yes, sir. In 1880 she was living with a man by the name of Robert Littleton.
Q How old do you think this girl is, from the time you have known her, taking that into consideration? A She must be right close on to 30 years.
Q You know her to be a Shawnee citizen? A Yes, sir.
Q Always so recognized? A Always so recognized, she was enrolled. In 1894 she went by the name of Washington.

WILLIAM S. TIBLOW, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William S. Tiblow.
Q How old are you, William S. Tiblow? A I am about 46.
Q What is your post office? A Skiatook.
Q Do you know this woman Amanda Young? A Yes, sir, I do.
Q How long have you known her? A Ever since she was a little bitty baby.
Q How old is she? A About 29 years old.
Q What was her father's name? A Spibuck. I can't tell you whether she was registered on the '70 roll as Spibuck. I don't know if she got on that register, but she was born there about that time. They call her Wandy now. Wandy Washington on the '94 roll but before that she was Spibuck, George Spibuck's sister.
Q Do you know Nancy? A Mary--that is her husband.
INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:
Q You know that she has been always recognized as a Shawnee citizen? A Yes, sir, no doubt about that.

1880 Roll, page 177, #2704, Jane Shybuck, Coowaescoowee.

Com'r Needles:--Satisfactory testimony is taken to-day to the effect that said Amanda Young is a Shawnee citizen by blood, and her name is found upon the authenticated roll of 1880 by the name of Jane Shybuck. She is duly identified and will be duly listed for enrollment as a Shawnee citizen by blood.

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 15th day of November, 1900.

Commissioner.

Cherokee D 829.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amanda Young for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 4, 1900 Amanda Young appeared before the Commission at Vinita, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of the said application at Claremore, Indian Territory, on November 14, 1900.

The evidence shows that Amanda Young is a Cherokee Indian, and is duly identified on the Authenticated Tribal Roll of 1880 as Jane Shybuck. She is identified on the Cherokee Census Roll of 1896 as Amanda Washington, the evidence showing that at one time she was married to, or lived with, a man by that name. She is now married to one Dan Young.

The evidence further shows that Amanda Young has resided in the Cherokee Nation all her life, and that she was a resident of the said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Amanda Young should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress June 28, 1898 ( 30 Stats., 495 ), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON T. AVERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 529.

ADDRESS THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Amanda Young for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 55.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee M 529.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Iza Cooper for the enrollment of herself and her five minor children, Charles, Samuel, Roy, Hattie and Ernest Cooper, as citizens by blood of the Cherokee Nation.

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

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

Respectfully,

Commissioner in Charge.
~~Acting Chairman.~~

Register.

Enclosure H. No. 384.

IN THE MATTER OF THE APPLICATION OF

Amanda Young

FOR ENROLLMENT AS

CHEROKEE CITIZENS

a Original testimony of 10/1/00

B Memo. of application of 10/4/00.

b Supplementary testimony of 11/14/00

See b Cherokee Jacket No R616 Enrolled

IN THE MATTER OF THE APPLICATION OF

Amanda Young

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 19 1902

Cher D 530

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

In the matter of the application of Orle Dawson for the enrollment of himself and child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your name? A Orle Dawson.
Q How old are you? A 25
Q What is your post-office? A Watson.
Q In what district do you live, A Delaware.
Q Who is it now you want to have enrolled? A Myself and one child.
Q Are you a Cherokee by blood. A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since 1883.
Q Were you admitted in 1883? A Yes sir.
Q Show me your certificate. A (Produces papers)
Q What is the name of your father A John Dawson.
Q Is he alive? A Yes sir.
Q Cherokee? A Yes sir.
Q What is the name of your mother, A Sarah Dawson.
Q Is she alive? A Yes sir.
Q Were you admitted by any act in 1883, or simply claim through your father's admission? A Claim through father's admission.
Com'r: The applicant presents certificate of admission to Cherokee citizenship showing that on the 11th day of January 1883, John Dawson was admitted; this is recognized as official evidence of the facts stated. His father was admitted as a Cherokee by blood.
Q Now that John Dawson is your father. A Yes sir.
Com'r: This is returned to the applicant.
Q Have you lived in the Cherokee Nation ever since your father's admission in 1883? A All but about two or three months.
Q What is the name of your child. A Burr Raymond, Dawson.
Q How old is that child? A About one month old.
Q When were you married? A Married December 27 1899.
Q Have you a certificate of marriage? A Yes sir. (Produces papers)
Q Were you ever married before. A No sir.
Q Your wife ever married before. A No sir.
Com'r: The applicant presents duly authenticated license issued by the Clerk of Carroll County Arkansas on December 26, 1899, authorizing marriage between himself and Addie York.
Q That is your wife, is it. A Yes sir.
Com'r: And the certificate shows that they were united in marriage by E. E. Douglas, Justice of the Peace, within the same county on the 28th of December 1899; this is filed herewith.
1896 roll page 462 #927 Orle Harrison Dawson, Delaware District.
Q Have you got an H. in your name. A Yes sir.
Q Your full name is Orle Harrison Dawson? A Yes sir.

Com'r Breckinridge: The applicant is identified on the roll of 1896 as a native Cherokee; his father is shown to have been admitted with all the rights of a Cherokee by blood in 1883; the applicant has lived in the Cherokee Nation since his father's admission in 1883; he is shown to have been married to his wife in December 1899; the applicant will be placed at this time upon a doubtful card to consider the rights that he acquired through the admission of his father, he being a minor at that time; and also because this is a class of cases that the Cherokee representatives protest against, on the ~~ground~~ ground of alleged fraud on behalf of the Cherokee Commission admitting the parties.

When a certificate of birth as to the child is filed with this Commission, this child also will be placed upon a doubtful card as a Cherokee by blood.

[illegible]

[illegible]

[illegible] being first duly sworn states that he is acquainted with the [illegible] in the Civil and Tribal [illegible] pending in this case and that the foregoing is a true and complete transcript of his sworn [illegible] before [illegible].

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible] 1900.

[illegible]

[illegible]

CHEROKEE. D. 530

Cite in Dawson et al

Enrolled and transferred to Cherokee 1900

COPY OF TESTIMONY FILED WITH THE CHEROKEE NATION.

Dec 4 1894

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Cher D 531

THE INTERIOR
OF CIVILIZED TRIBES.

E 11
1908

ACTING CHAIRMAN

-- Charles H. Stone --

Roth, Commissioner, being first duly sworn, testified as follows:

Q. Mr. Commissioner, I have in my hand a stenographic transcript of the proceedings in the matter of the application of Mamie Q. Roth for the allotment of her homestead in the Muskogee land district, and I will ask you to state whether or not this is a true and correct transcript of the testimony taken in the above cause, and the proceedings had before the commission in said cause.

Subscribed and sworn to before me this 8th day of October, 1908.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., October 5th, 1900.

In the matter of the application of Charles H. Steddard for the enrollment of himself as a Cherokee citizen, he being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Charles H. Steddard.
Q How old are you? A 52.
Q What is your post-office? A Chetopa, Kans.
Q What is your District? A Delware.
Q Who is it you want put on the rolls? A Myself.
Q How long have you lived in the Cherokee Nation? A About 15 years.
Q How did you get your admission, by the Cherokee Commission? A
A Married a Cherokee woman.
Q Claim as an intermarried Cherokee? A Yes sir.
Q Is your wife dead? A Yes sir.
Q To whom were you married? A She was a widow.
Q What was her name at thetime you married her? A Mrs. Ira Williams
Q Is she alive now or dead? A Dead.
Q When she die? A 3 years ago last winter.
Q How old was she when she died? A I couldn't tell you exactly
Q As near as you can tell? A About 50.
Q When was it you married her? A In '90 I think.
Q Give me your marriage license and certificate? ( Hands papers to Commissioner)

The applicant presents a license issued by the Clerk of Delaware District, dated June 12th, 1890, authorising his marriage to Mrs. Mary A. Williams. The certificate shows that they were united in marriage on June 28, of the same year by W. G. Reamer, Justice of the Peace, of Chetopa City, La Bette County, Kansas. This is filed herewith.

Q Her name is Ira is it? A Mrs. Ira.
Q She's been dead some three years? A Yes sir.
Q Was her name Williams on the roll of '80? A I think so.
Q What was the name of her father? A Vann, I couldn't tell you his first name?
Q What was her mother's name? A No sir, I don't remember.
Q Her father is dead? A Yes sir.
Q Mother dead? A Yes sir.
Q Have you ever married since that wife died? A No sir.
Q Was her former husband dead when you married her? A Yes sir.
Q What was her former's husbands name? A Ira Williams.
Q You know when she married him? A I expect its been 15 or 20 years; he's been dead four years when she and I were married.
Q 1880 roll; page 337, #2912, Mary A. Williams, Delaware Dist.
1896 roll; page 588, #483, Charles H. Steddard, Delaware Dist.
Q Have you lived in the Cherokee Nation ever since you married your wife in 1890? A Yes sir. Of course, I can say I have.
Q Where did you live? A In Chetopa.
Q What are you doing there? A Just doctoring; doctor waited on mothers.
Q What business have you in the territory? A I have a farm.
Q What business did you have up there? A None.
Q Where have you spent most of your time since 1880? A All of it nearly at Russell Creek Switch. about five miles this side of the Kansas line; 2 1/2 miles in the Cherokee Nation.
Q Where have you spent your time the last five years? A There.
Q Entirely the last five years? A Yes. In the winter time I had no one to keep house for me and I would go to Chetopa and board and stay there through the dull part of the season during the winter and then in the spring I would come back and go to work on the place.
Q Did you stay continuously in the Cherokee Nation from the time

of your marriage until your wife's death? A Yes.
Q Did you ever vote up there at Kansas? A No sir, nothing of that kind.
Q Did you live with her continuously? A Yes sir.
Q Never had any separation at all? A With the exception of——
Q You don't answer my question, say yes or no. Did you separate from your wife or not? A Yes sir.
Q Did you get a divorce from her? A No sir.
Q Did she leave you or did you leave her? A She left me.
Q Did you stay on the farm or did she stay there? A I staid there

Representative, W. T. Hutchings, of the Cherokee Nation:

Q Where had you lived prior to your and your wife's separation?
A Down at Chetopa, 12 miles from there at Timber Hill.
Q Where did your wife go to when you and she separated? A We moved up to Chetopa to indicate the child.
Q You hadn't said anything about moving to Chetopa? A This was before this took place. We separated at Chetopa.
Q How long had you been living at Chetopa when you separated? A
A We lived there in the ~~[illegible]~~ fall and separated in the spring.
Q Do,you own a house at Chetopa? A No sir.
Q Just rent a place? A We lived in Mr. Smith's house.
Q Where did your wife go to? A She moved out into another house.
Q And yu remained in Chetopa? A I remained there a few days and then went back to the farm. It was in the spring of the year. I worked in the territory and made that my home on the farm there.
Q How did your wife get a support after she separated from you?
A We had three or four places, divided up, and after that she moved back into the territory.
Q Did she get any place to support herself? A Yes sir.
Q Did you turn them over to her? A Yes sir.

re-direct.

Q You speak of a child. Have you any children? A Her children.
Q Have you any children by your marriage to her? A No sir.

Witness sworn:John A. Mills, and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A John A. Mills.
Q What is your post-office? A Welch.
Q How old are you? A 39.
Q How long have you lived in the Cherokee Nation? A Ever since '71.

Rep. Hutchings :

Q Do you know Mr. Stoddard,the applicant here? A Yes sir.
Q Did yu know his wife? A Yes sir.
Q Do you know about the time they separated? A No sir, I couldn't give the year I don't believe.
Q You recollect the incident of theseparation? A Yes sir.
Q State what you know about their living together and which left the other, and who remained at the home place. A They separated twice; the first time— He has a place that he claimed as his own where he has it now. He went off, I don't know where, right after this separation and came back and went on the place and made this up and went back together, lived awhile together and separated again at the last time.
Q Which one did the leaving? A She staid on the place.
Q He left her? A Yes sir.
Q

3- Charles H. Stoddard-

A. This place was here, he married her on this place, and she staid when he left her.

Applicant replies:
We were living in Chetopa as I stated when the separation took place.

Rep. W. T. Hutchings to applicant:

Q You didn't have any home in Chetopa? A No sir.

Commissioner.

Q When did you and your wife first separate? A We were living together at Timber Hill.
Q When did you first separate is the question I asked? A At Chetopa, only separated once.
Q You say one and the witness says two? A He don't understand. The first separation and the only separation was at Chetopa.
Q When was your separation? What year? A I couldn't tell you.what year it was.
Q How long did you live with your wife before you separated from her? A About five years.

Commissioner to witness:

Q You know they separated before that time? A Yes sir.
Q How long had they been married before they first separated? A They lived together several years, two, three, or four or five years.
Q And then began to have separations? A Part a while and then went back together and then finally separated for good.
Q What was the cause of their trouble? A I couldn't say.

Applicants' reply:

This separation that Mr. Mills has reference to is, she has two children, a girl about 13 or 14 and a boy about 11 or 12, sometimes children when they have step-parents, don't agree. She said to me you go to theother place and fix that up. This place belongs to the children and it won't be long before they will take charge of it, and it will be theirs. You fix up that place,when you get it fixed and get it alright, then we will live together and the children will be able to take care of themselves. I got there and fixed it up and I went backward and forward from that place over home.

Q How far were these two places separated? A Four or five miles. Went backward and forward during that time.

The applicant is shwon to have married a Cherokee wife in accordance with the Cherokee law, in 1890. His wife is dead. Shein identified on the roll of 1880 as a native Cherokee. He is identified on the roll of 1896. He states that he has not remarried since his wife died some four years ago. He did not live with his wife continuously from the time of their marriage until her death, nor has he lived continuously in the Cherokee Nation as set forth in the testimony. For the further consideration of his case, his application will be placed upon a doubtful card.

-- Charles H. Steed vs.-

Edward G. Rothenberger, being duly sworn, states that as stenographer to the Commissioner of Patents duly appointed, he reported in full all proceedings in the above case, and that the foregoing is a true and complete transcription of his stenographic notes in said case.

Edward G. Rothenberger

Subscribed and sworn to before me this 5th day of October, 1905.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 8 1901

ACTING CHAIRMAN

Cherokee D-311.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Charles H. Stoddard for enrollment as a citizen of the Cherokee Nation.

Supplemental testimony on behalf of the applicant.

Appearances:
Applicant present in person;
J. L. Baugh, Cherokee Representative.

Charles H. Stoddard, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Now Mr. Stoddard, if you have any other statement to make in regard to this case, you can do so; or any witnesses to present here.

A Well I didn't know what there was against me.

Q Well you knew when you were here before what there was against you, that you had separated from yourwife after you married her?

A Yes, sir.

Q Well? A The question was whether she left me or I left her; that appeared to be the question; well she left me.

Mr. Baugh: Have you got anything to substantiate your own word; who Have you got to prove she left you? A Well, I guess there is somebody here, Mr. Campbell, if he is in, Hugh Campbell.

Commissioner: Do you want to offer any further testimony in regard to that Matter; if you do you can bring it.

Mr. Baugh: Did you sue your wife for a divorce? A No, sir.

Q Has she sued you for a divorce? A Yes, sir.

Q In what Court? A Delaware district.

Q Did she get the divorce? A Yes, sir.

Mr. Baugh: Well I will object to any testimony being taken on this point inasmuch as the records themselves prove whether or not it is a desertion; the records are the best proof.

Commissioner: What grounds did she allege? A None at all.

Q How could she get a divorce without alleging any grounds for divorce? A I can't tell you; she alleged several things, but I went down there and they made a compromise of some kind, and I told them, or my attorney told me them, Mr. Bell, if she would withdraw all of her charges she had made against me they would consent to give her a divorce, and they did, somehow, I don't know just how.

HUGH CAMPBELL, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Hugh Campbell.

Q How old are you? A I am about 58.

Q What is your postoffice? A Welch.

Q Do you know Charles H. Stoddard? A Yes, sir, I am acquainted with him.

Q Do you know His wife? A Yes, sir, I used to know her.

Q What was her name? A Why I forget her first name.

Q Was her name Mrs. Ira Williams? A Yes, that was her first husband's name.

Mr. Stoddard: You know whether she left me or I left her? A My understanding was she left you.

Commissioner: How long did you know them? A I have known this woman about 20 years.

Q Were you living neighbor to them when they separated? A Close to them, yes, sir.

Q How far from them? A A mile, or perhaps a little over.

Q She left him, you say? A That was my understanding, I wasn't present at the separation.

Q You don't know what caused the seperation then? A No, sir.
Q Did he remain at the house they were living at? A Yes, sir..
Q She went away from there? A That was the way I understood it.
Q Well, do you know anything about it? A I wasn't present at the separation of couse I seen him nearly every day there, or at least once a week.
Mr. Baugh: How long had you known them prior to this seperation?
A I dont know just the date of that separation, I can't say.
Q About how long? A I would judge one or two years or something like that.
Q Did you live neighbor to them at that time? A About a mile and a quarter to them, yes.
Q Did you ever know of anything connected with their domestic affairs, as to whether they treated each other amicably or not?
A Nothing in particular.
Q You don't know whether he abused her or what the cause of the separation was? A I can't say.
Q It was simply understood she left him? A Yes, sir.
Q You don't know that of your own knowledge? A I know they separated, I know that of my own knowledge.
Q You don't know but what he might have run her off? A I wasn't present, of course I don't know.
Q As a matter of fact, you don't know nothing about it? A Well, I don't know the particulars of it.

Commissioner: This testimony will be filed.

***********

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 28th of October, 1901.

Commissioner.

ATTORNEYS
L. B. BELL,
W. W. HASTINGS,
JAMES M. DAVENPORT
J. C. STARR, SEC.

OFFICE OF
# ATTORNEYS FOR CHEROKEE NATION
BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D. 531

Muskogee I. T. Jan 20 1902.

R. W. Alberty Esq.,

Tahlequah I. T.

Dear Sir:

Please send us three certified copies of the Act of December 16th 1895 relative to the Intermarried white law.

Kindly send us half a dozen Cherokee Law books 1892 by the hack driver and tell the mail hack driver to send them on to us by the Ft Gibson and Muskogee hacks or give them to Mr Hastings and tell him to bring them over

Yours truly,

W. W. Hastings

Jan. 28, 1902

I have the laws books and will leave them with my Conductor to send by mail hack.

R. W. Alberty

"R"

D 531

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Charles H. Steddard, for the enrollment of himself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter.

Mr. Hastings: Come now the representatives of the Cherokee Nation and move a continuance in this case, for the reason that the representatives of the Cherokee Nation have only recently been informed, to-wit: by letter received this morning, that the applicant Charles H. Stoddard has recently been married to a white woman and is living with her as his wife, and that if these facts be true he is not entitled to enrollment under Section 666 of the Compiled Laws of the Cherokee Nation (1892); and we ask for a continuance for the purpose of ascertaining whether or not these facts be true.

The request of the attorney for the Cherokee Nation will be complied with, and the case continued until the 8th day of March, 1902.

---

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

E. C. Bagwell.

Subscribed and sworn to before me this March 5, 1902.

Tams Bixby

Commissioner.

Supl.-C. N.#531.

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

SUPPLEMENTAL in the matter of the enrollment of CHARLES H. STODDARD as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902. The applicant requestd permission to continue the case and by agreement with the representative of the Cherokee Nation present, the case was continued until the 11th day of March, 1902. The applicant was also notified that he could introduce any further testimony affecting his case. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to appear either in person or by attorney, the case is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, ~~being first duly sworn~~, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings hadin the above case on this day, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Cherokee D 531.

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

In the matter of the application of Charles H. Stoddard for enrollment as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N.

The record in this case shows that on October 5, 1900, Charles H. Stoddard appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 24, 1901.

The evidence shows that on June 28, 1890, said Charles H. Stoddard, a white man, was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Mrs. Mary A. Williams, who is duly identified on the 1880 authenticated roll of the Cherokee Nation and the 1896 Census roll of said nation as a native Cherokee.

The evidence further shows that the applicant lived with his said wife for about two years, when, by his cruel and abusive treatment, he forced her to leave their home, and that she has since applied for and been granted a divorce from him by the Delaware District Court of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides:

> "Every person who shall lawfully marry under the provisions of this Act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the said Charles H. Stoddard abandoned his wife within the meaning of the section of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this DEC - 1 1902

ATTORNEYS:
I. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D. 531

Muskogee, I. T., Jan. 17, 1902.

Mr. R. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Kindly send me a decree of divorce secured in Delaware District in the case of Ira Stoddard versus Charles Stoddard, some five or six years ago. In any of these acses if the record shows abandonment let that be indicated in your certificate.

Yours very truly,

W. W. Hastings

Attorney for the Cherokee Nation.

D 531

I sent you on Hearing a copy of all the record shows of this case once before. The enclosed copy is all that record shows. There are none of the original papers from clerks office of Del. here, except a few 96 & 99 cons Pell Hastings brought here. Washburne told me the papers were at his house, none of these records show what the complaint were.

B. W. Atherton

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number 80 531

Muskogee, I. T. Feb. 19, 1902.

Mr. W. B. Alberty,

Tahlequah,

I. T.

Dear Sir:-

Please examine your record for the Circuit Court of Deleware district in the case of Mary E. Stoddard vs Charles Stoddard, and furnish us with a certifid copy of the original citation in this case. If you will examine the records of Deleware District, I suppose you can find this. Weare in urgant need of them, and these have been set for final hearing within the next ten days, so you see that it is necessary for us to have prompt action by the executive department in supplying these records.

Yours very truly,

J C Starr

Civil Docket for Sept.Term Circuit Court 1894.

4th Mary A.Stoddard
.vs.
Chas.H.Stoddard

( Decree of the Court for absolute
(divorce only.The property sued for
(being arranged by agreement of the
( Parties.

Executive Office Cherokee Nation,
Tahlequah Ind.Ter.

I,B.W.Alberty,assistant Executive sectary of the Cherokee Nation do hereby certify that the above is a true copy of the record of the Circuit Court of Delaware District,of all said record shows pertaining to said case case of Mary A.Stoddard Vs Chas.H.Stoddard,that I have been unable to find any of the orrigi-nal papers in said case;that said record has been filed in this Office by law and is in my Official Custody.

Given under my hand and the seal of the Cherokee Nation this the 21st day of February 1902.

As B. W. Alberty

Assistant Executive SecretaryCher.Nat.

[illegible] has been searching
[illegible] for him [illegible]
E. Clark

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-881.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Charles K. Stoddard for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. D-70.

Land. ( COPY )

72596-1902. DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON. Feby. 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated December 3, 1902, forwarding, for the Department's consideration, the record relative to the application of Charles H. Stoddard, for the enrollment of himself as an intermarried citizen of the Cherokee Nation.

December 1, 1902, the Commission held that the applicant was not entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The evidence in this case shows that on June 28, 1900, Charles H. Stoddard, a white man, lawfully married under a Cherokee license, Mary A. Williams, whose name appears on the 1880 roll, and on the 1896 Census roll, as a native Cherokee.

Some of the witnesses in this case testified that the applicant left his citizen wife, while others testified that she left him, but the record shows that he lived with her about two years; that his treatment of her was cruel and

abusive, and that if she did leave him she was forced to leave their home on account of his cruel and abusive treatment of her. She applied for and was granted a divorce September 10, 1894, from this applicant, by the District Court of the Cherokee Nation for the Delaware District.

Considering the manner in which this applicant treated his wife, the office is of the opinion that such treatment was, in fact, within the meaning of section 667 of the compiled laws of the Cherokee Nation, an abandonment of her, and that he is not therefore entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The approval of the Commission's decision adverse to him is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-C.

( COPY )

D.C. 53181-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FRE.

I.T.D. 1988-1903. November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to letter of the Commission to the Five Civilized Tribes of December 3, 1902, you are advised that the application for the enrolment of Charles H. Stoddard as an intermarried citizen of the Cherokee Nation is denied, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims.

A copy of Indian Office letter of February 24, 1903, recommending that the decision of the Commission adverse to the applicant be concurred in, is inclosed.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D 531

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

Muskogee, Indian Territory, December 15, 1906

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 1, 1902, refusing the application for the enrollment of Charles H. Steddard as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department on November 30, 1906:

For your information there is herewith enclosed a copy of Departmental decision referred to.

Respectfully,

Commissioner

Encl. B-59

CD 531.

letter of V M Ulbird

IN THE MATTER OF THE APPLICATION OF

Charles Stoddard

FOR ENROLLMENT AS

CHEROKEE CITIZEN

FEB 19 1902

Charles H Stoddard

OCT 25 1907

D532

DEPARTMENT OF [illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 8 1900

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., October 5th, 1900.

In the matter of the application of Mrs. Emeline M. Jones for the enrollment of Rollin McAlester Edgerton as a Cherokee citizen; she being sworn and examined by Commissioner Breckinridge, testified as follows:-

Q Give me your name? A Mrs. Emeline M. Jones.
Q How old are you? A 77.
Q What is your postoffice? A Vinita.
Q What is your district? A Cooweescoowee.
Q Who is it you want to have enrolled? A Rollin McAlester Edgerton.
Q How old is he? A Nearly 16 years old.
Q Is he an orphan? A His father's living, but I have had the care of him. His mother gave him to me.
Q Was he born in the Cherokee Nation? A Yes sir.
Q Lived here all his life? A Yes sir.until I got hurt.
Q What is his father's name? A Rollin C. Edgerton.
Q Is his father a white man or a Cherokee? A White man.
Q He's alive? A Yes sir, he's living.
Q What's the name of the young man's mother? A Mary E. Jones Edgerton.
Q She's dead? A Yes sir.
Q How long has she been dead? A About 12 years last winter.
Q She was a Cherokee? A She was an adopted citizen the same as a Cherokee by blood.
Q She was admitted by the Cherokee Commission? A Yes sir.
Q Have you the certificate of admission? A No sir, I haven't.
Q Was this Mary E. Jones Edgrton your daughter? A No sir, my husband's daughter, my niece.
Q How old was she when she died? A Very near 30.
Q She claims Cherokee citizenship through the admission of her father? A He and his family were admitted.
Q In what year? A First in '65 and then in '66 put in the treaty. He was admitted again in '68. They were missionaries.
Q Is she on the roll of 1880? A Yes sir.
Q What was her name in 1880, was she a Jones then? AYes sir.
1880 roll; page 773, #1128, Mary E. Jones, Tahlequah.
Q Have you a certificate of her marriage to her husband? A No sir.
Q You know about the marriage yourself? A Yes sir.
Q He was the only man she ever was married to? A Yes sir.
Q Was she the only woman he ever married? A Yes sir, he married since.
Q What year were they married ? A In 1883, I think March 26.
Q They lived together as husband and wife until her death? A Yes sir.

Representative Hutchings, of the Cherokee Nation:

Q This young man's father left the Cherokee Nation some years ago, didn't he? A Yes sir.
Q About what time? A I don't know when he left here.
Q How long after he left here was it when he took this boy to live with him? A Three years next month, I got crippled and had to send him home.
Q And Mr. Edgerton married after he went to the States to live and married a citizen of the United States? A Yes sir.
Q He has had the boy living with him out of the States for three or four years? A Yes, three years next month; been to school.
Q This boy has not Indian blood in him at all; all white? A Yes sir, all white.

redirect

Q This boy's mother was the daughter of the missionary? A Yes sir.
Q His mother's family including his mother, was adopted by the Cherokees because of their missionary labors? A Yes sir, he did a great deal for the territory. He did a great deal for the Nation.
Q Although they had no Cherokee blood they were enrolled by the Cherokee Nation by being made citizens? A Yes sir.
Q Was this boy born in the Cherokee Nation? A Yes sir think so. He was born in the Nation. He was at Geffreyville, on the line, and think that's in the Nation.
Q Did the mother make the Cherokee Nation her home until she died? A Yes sir.
Q She made her home continuously in the Cherokee Nation until she died? A Yes sir, she went away and taught school in Lawrence, and came back and bought herself a piano. This boy owns that place now and his father couldn't sell it. [illegible]
Q The mother always claimed this asher own? A Yes sir.

Representative W. T. Hutchings:

Q Did Edgerton ever live in the Indian Territory in his life? A Yes sir, until this boy was seven years old.
Q Wasn't he living in Kansas and running these farms? A No, he lived in Kansas a good deal, but come back and forth.
Q Did he come here with his wife as soon as they were married? A Yes.
Q How long did she and he live together here? A She died four years after she came.
Q Did he live here with her during the four years of her married life? A Yes sir.

The applicant applies for the enrollment of her step-grandson, Rollin McAlester Edgerton. The boy's mother is identified on the roll of 1880. She is now dead. She is claimed to be of a missionary family that were adopted by the Cherokee Council as citizens though entirely of white blood. The boy is not identified on any roll, but he is to e young to be on the roll of 1880 and only folks who were Cherokees by blood are entitled to be on the roll of 1894. His grandmother gives satisfactory evidence in regard to the boy's birth and residence, but as he is not upon any roll, the application will be taken under advisement and will at present be listed upon a doubtful card.

Edward G. Rothenberger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes insaid case.

Edward G. Rothenberger

Subscribed and sworn to before me this 8th day of October, 1900.

[illegible]
Commissioner.

ATTORNEYS

T. B. BUTLER
W. W. HASTINGS
JAMES S. DAVENPORT

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Cd 532

Feb. 19, 1902.

Statement by J. C. Starr.

Rollin Mc A. Edgerton.

The resolution and act hereto attached is a copy taken from page 118, laws of the Cherokee Nation, printed in 1868.

RESOLUTION AND AN ACT

GRANTING CITIZENSHIP TO EVAN JONES AND SON, J. B. JONES, AND THEIR FAMILIES.

Resolved by the National Council, that our sincere thanks are hereby tendered to the Baptist Missionary Society of Boston. It is now more than forty years since the missionaries of that society came into the Cherokee Nation. When the Cherokees were poor and covered with darkness, light with regard to the other world was brought to us by Evan Jones, and at a later date by his son, John B. Jones. And we do bear witness that they have done their work well, and that they have striven to discharge the duties incumbent upon them , in doing good for the people, and performing faithfully their duties to God. As we bear witness that their work was highly prosperous up to the time when they were driven out of our country by the United St States agent, in 1861. And now, after the close of the war, we are informed that the missionary society have determined to resume their work in the Cherokee Nation. For this determination, we hereby retur n them our thanks ; and we hereby declare that it is our desire that they will more strongly than ever push forward their work of enlightening our land. And we do further that we hold in high esteem Evan Jones and his son, J. B. Jones: now, therefor,

Be it enacted by the na tional Council, that Evan Jones and his son, J. B. Jones, be and they are hereby admitted to citizenship in this Nation, together with their families, and all rights to white men allowable under the constitution are hereby granted to them. Our object in so doing is that our people may be instructed by them in good morals and general intelligence.

Tahlequah, C. N. , November 7, 1868.

(Signed)

Smith Christie, President National Com.

H. D. Reese, Clerk National Com.

Approved.

LEWIS DOWNING,
Acting Principal Chief.

N. B.- The above resolution and act is transcribed from a certified copy taken by H. D. Reese as clerk of the National Committee, and furnished me this date.
November 19, 1867.

W. P/ Boudinot, Compiler.

To the National Council.

"R"

D 532

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Rollin McA. Edgerton, for the enrollment of himself as a citizen of the Cherokee Nation:

Applicant's guardian was notified by registered letter on February 12, 1902, that the application of Rollin McA. Edgerton, to be enrolled as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter.

Applicant's guardian having been called three times on this day, to-wit: the 1st day of March, 1902, and failing to respond either in person or by attorney, the case is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

D-532-

Rollin M. A. Eagerton

Claimant's Brief

In Duplicate

--- DEPARTMENT OF THE INTERIOR,--

Commission to the Five Civilized Tribes,

In the matter of the application of Rollin McAlester Edgerton, to be enrolled as a Cherokee Citizen,
D-532.

Claimants' Brief.

The claimant in this case is the son of a woman whose father was adopted by the Cherokee Tribe of Indians as a Citizen of the Cherokee Nation on account of his missionary labors, and other efforts for the benefit of the Cherokees. At the age of four years the mother, who had always lived in the Cherokee Nation, died, and he gave this child to her grand-step mother to raise; the child was born in the Cherokee Nation and always resided there till he was about 13 years of age, when the step-grand mother became disable by an accident, and she sent the said child to his father, who several years previous had become a resident of the state of Nebraska, to attend school and be cared for until her recovery. Up to the time of the accident, the child was nurtured by its said step grand mother, fed and clothed by her, sent to school, and cared for as her own child, and its said father made no effort to take him away; the child had a farm in the Cherokee Nation, left it by its mother, and he has always retained this farm, and owns it now. The question is, has the domicile of the child so changed that it has lost its right to share in the allotment of the Cherokee lands.

We have been unable to find very ~~little~~ much law on this subject that applies directly to such a case. No cases are directly in point. We are aware of the well known law that the domicile of the parent or parents is that of the child, as a general rule, which rule has but few exceptions. However, we are also aware of the other well known rule that the Courts will not consider the interests of the child, and that they will dominate. We cite the following authorities, which will go to support our position that the child has not lost its domicile with its said step grandmother for the reason that it was legal for the mother to choose or give the child to whom she believed would be its best guardian. Also, that the father consented to a change of domicile by his silence in allowing the step grandmother to care for, and nurture the child so long.

Domicile of a minor continues, notwithstanding the death of his parents, though the child had been taken into another state, unless the domicile was changed by the consent of the parents or the last surviving parent.
see 39 Am.St.R. 196. & cases cited

In this case we maintain that the father, by his acts, consented that the domicile might be changed, and this is supported by the fact that he was aware that a change of residence would forfeit the child's right as a Cherokee citizen.

The mother is the proper custodian of the child while it is very young, see Rogers Domestic Relations, sec. 565.

When by reason of the death of the mother, the child is too young to be cared for by the father and it is intrusted to others to be reared to a suitable age, with the consent of the father, the latter will have no right to the possession of the child as against such custodian until the child arrives at a suitable age. see Rogers Domestic Rel. sec. 567 and cases cited

Domicile is not destroyed by leaving a state, intending never to return, until another domicile is acquired in another place, see Ayer vs Weeks, 23 Am. St R. 37.

The Courts will look to all the circumstances of the case " as relating to the simple consideration what is best to be done for the child." see Rogers Dom. Rel. section 573. & cases cited.

As we have been unable to find much law either way on this subject, we believe that our contention that the claimant in this case is entitled to his rights as a citizen of the Cherokee Nation is supported by the cases we have already cited.

Respectfully submitted.

Smith & McCulloch, attys for claimant,

By Geo E. McCulloch

**Department of the Interior,**

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 16, 1902.

In the matter of the Application of
Rollin McA. Edgerton for enrollment
asa citizen of the Cherokee Nation.     Cherokee D. 532.

Brief on behalf of the Cherokee Nation.

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The testimonY shows that the applicant is the son of MarY E. Jones; and it is claimed that MarY E. Jones was admitted to citizenship in the Cherokee through her father bY an act of the National Council of date November 7th, 1865. With reference to this act of the National Council the Cherokee Nation insists: First, that the act itself shows that it never passed both branches of the National Council, and therefore was never legallY an act of the National Council, and not binding upon the Cherokee Nation. It will be observed from the note appended to this act bY the compiler that it was not taken from the records of the Executive xxxxx Department of the Cherokee Nation, but was handed to the compiler bY H. D. Reese, Clerk of the National committee; and it will be observed that this H. D. Reese was clerk of the National committee when this act was passed, but it is nowhere shown that the act passed the other branch of the National Council. Second, the Cherokee Nation contends that it conferred no rights whatever upon Evans Jones or John B. Jones or their families for the reason that it onlY attempted to give them "All rights to white men allowable under the Constitution", and bY reference to the Cherokee Constitution of that date white men were not entitled to anY rights at all; and it would be observed that the amendments to theConstitution granting white men anY rights in the Cherokee Nation whatever were passed on November 26, 1866, or more than a year after the passage of this act. Hence we contend that this act granted them no rights whatever.

But in the event that the act granted MarY E. Jones, the mother of applicant, the same right that a white man after-

wards enjoYed she forfeited those rights bY her intermarriage with a white man, the father of applicant, who was a citizen of thestate of Nebraska, and never became a citizen of the Cherokee Nation.

Aside from all legal phases involved in this case the applicant would not be entitled to citizenship in the Cherokee Nation because of his residence. For a great number of Years his father has been a resident of the state of Nebraska, as conceded bY counsel for applicant in his brief and as shwon bY the testimonY in this case. The domicil of the child changes with that of its father. "An infant can not of its own accord change his domicil, but it changes while the father is living with the domicil of the father".--Amer. & Eng. Enc., page 866, and cases cited.

Even counsel for applicant concedes that this is good law in his brief; but the testimonY further shows that for the past three or four Years prior to when this application was made in 1900 the applicant was a non-resident with his father in the state of Nebraska. The testimonY shows that the actual domicil of the child as well as his legal domicil is in the state of Nebraska, and he was not a resident of the Indian TerritorY on June 28th, 1898.

We desire further to call Your attention to the fact that if the Commission should decide that the above act was a legal act, and admitted the applicant's mother to citizenship in theCherokee Nation with all the rights allowable to white men, that it did not confer anY rights upon her children, because those rights are not descendable rights, but the rights granted were personal to the parties themselves. We are borne out in this contention bY the records, which disclose the fact that the applicant himself appears upon no roll made bY the Cherokee Nation, and neither does the name of his mother subsequent to her marriage with applicant's father, after she

had forfeited whatever rights she might have been granted prior to that time.

Respectfully submitted,

Attorney for the Cherokee Nation.

W H M.

Cherokee D 532

6a

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rollin McA. Edgerton, as a citizen of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 5, 1900, Emeline M. Jones appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of Rollin McA. Edgerton, a minor, as a citizen of the Cherokee Nation.

It appears from the evidence in support of this application that Mary E. Jones Edgerton, the mother of the applicant, Rollin McA. Edgerton, is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and that she was married to Rollin C. Edgerton, a white man, about the year 1883.

It further appears that the applicant, Rollin McA. Edgerton, has not lived in the Cherokee Nation or Indian Territory for three years next before the application herein.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

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

It is, therefore, the opinion of this Commission that the application for the enrollment of Rollin McA. Edgerton, as a citizen of the Cherokee Nation, should be denied, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

No. D403

Fannie L. Dupree
et al.

v.

Cherokee Nation

Copy for Ct.

Brief of
appellants

Henderson & Smith
Attys for appellants

[illegible]

[illegible]

-:[illegible]:-

[illegible] they were not [illegible]

[illegible]

"[illegible]"

[illegible]

#3. Dunn.

"And all persons who have been enrolled by the tribal authorities and have heretofore made permanent settlement in the Cherokee Nation shall receive, by reason of their Cherokee blood, such as may be lawfully admitted to citizenship by the tribal authorities and who were minors when their parents were so admitted."

The Commission is directed to enroll all persons on the Dawes roll and their descendants, and all persons who have been enrolled by the tribal authorities who have heretofore permanently located in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities and who were minors when their parents were so admitted. These are the only two classes of persons among the Cherokees which the Commission is directed to enroll, and immediately following comes the clause, "and they shall investigate the rights of all other persons etc."

This means it should be noted, certainly was never the intention of the Cherokee Nation to admit a man to citizenship on account of his blood and her his little children, being at the time of his admission, by reason of the fact that they were not married with him in the particular manner.

The testimony in this case warrants the inference that it is not the custom of the Cherokees to concubinate the little children of the family. It was not considered necessary.

The intention of Congress to afford some protection to minors whose parents had been made citizens is but in accord with the general law.

"An infant can not of his own accord change his domicil, but it changes with the father in living with the domicil of the father."

Amer. and Eng. Encyl. page 696, and cases cite

With regard to Fannie E. Dunn, she is entitled to be enrolled with her husband and to be placed upon the straight card within. The general law provides, that the citizenship of the wife is that of her husband. Mr. Webster, in his work of Law on Citizenship, page 287 states the rule to be:

"A woman changes her nationality absolutely by marriage to a citizen of the United States. She does not enjoy in a foreign country other or different rights and privileges than those enjoyed by her husband. The rule does not require residence in the United States; where she is married to a citizen of the United States partakes of his citizenship, though residing abroad."

This is cited simply to show the extent of the rule. In this case the wife has resided in the Cherokee Nation with her husband for the number of years shown in the testimony.

The Cherokee Nation has universally conformed to this rule relative to citizenship. It has never required of its male citizens that any special form of marriage should be necessary to confer citizenship upon the wife. The Cherokees by blood, who are males, have married whensoever, wheresoever and whomsoever they chose, and by the act of marriage alone conferred citizenship upon the wife, whether she were a citizen of the United States or other country.

Moreover, the Cherokee law on the subject of "Intermarriage of white men and foreigners" from section 659 to section 669, inclusive, demonstrates that the wife has citizenship conferred upon her by the mere fact of the marriage and ~~the law~~ that her status follows that of the husband.

This Cherokee law is within the general rule of Statutory Construction and that when the statute is enacted upon a subject it excludes all, or it does not include.

Sutherland, on Statutory Construction.

It is to be noted also that section 666 of this act contemplates and provides for intermarriage of male Cherokees by blood and a citizen of the United States or foreign country, and said citizen of the United States and of foreign countries become thereby a citizen of the Cherokee Nation. The language is as follows:

"Shall any man or woman, a citizen of the United States or any foreign country become a citizen of the Cherokee Nation by intermarriage, etc."

This clause is declaratory of what the law and custom of the Cherokees has always been upon this subject. The law itself does not provide for any particular form by which a male citizen of the Cherokee Nation shall marry in order to confer citizenship upon the wife, but minutely sets forth the requirements which a male citizen of the United States marrying a Cherokee woman must conform to. This law of the Cherokee Nation is cited as evidence of the recognition upon

4. Supra.

the part of the Cherokee Nation of the general law upon this subject, and further that as evidence of their law and custom conferring citizenship upon a citizen of the United States who is a female carrying a Cherokee Indian.

It is respectfully submitted that the application of Fannie L. Dupree, and her four minor children named herein, which came was submitted on March, the 1st, be placed upon the straight card with William H. Dupree, and the younger children.

Mellette & Lewis
Attorneys for Applicants.

30725

Lenapah
Feb 23 - 1902 I.T.

R A Edgton was
Born in Coffey county Kansas
Sue Sallie James Elliott
knows all about his
case he lives in Sioux
city Iowa they will
testify I think all the
confusion will read
he was born at Henry
Upham in Coffeyville
Cal I have not had
time to find where he
is for since Iowa
is where he was in
the fall, Yours
Truly
Sam Adair

Z-24

Lenapah
I.T.

[illegible]
Sue I [illegible]
letter [illegible]
to [illegible] Edgton
[illegible] and [illegible]
that he is [illegible]
Sioux City but he is
at Council Bluff [illegible]
[illegible]
C.M. Wakefield [illegible]
[illegible] to his [illegible]
hear [illegible] he
would be a good
witness for the Nation
here at Lenapah I.T.
Sue Sallie James
Elliott they live at
Lenapah I.T. Yours
Resp Sam Adair

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 532.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Emeline M. Jones for the enrollment of Rollin McA. Edgerton as a citizen of the Cherokee Nation.

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

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

Respectfully,

Commissioner in Charge
Acting Chairman.

Enclosure H. No. 346.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-532

Muskogee, Indian Territory, March 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

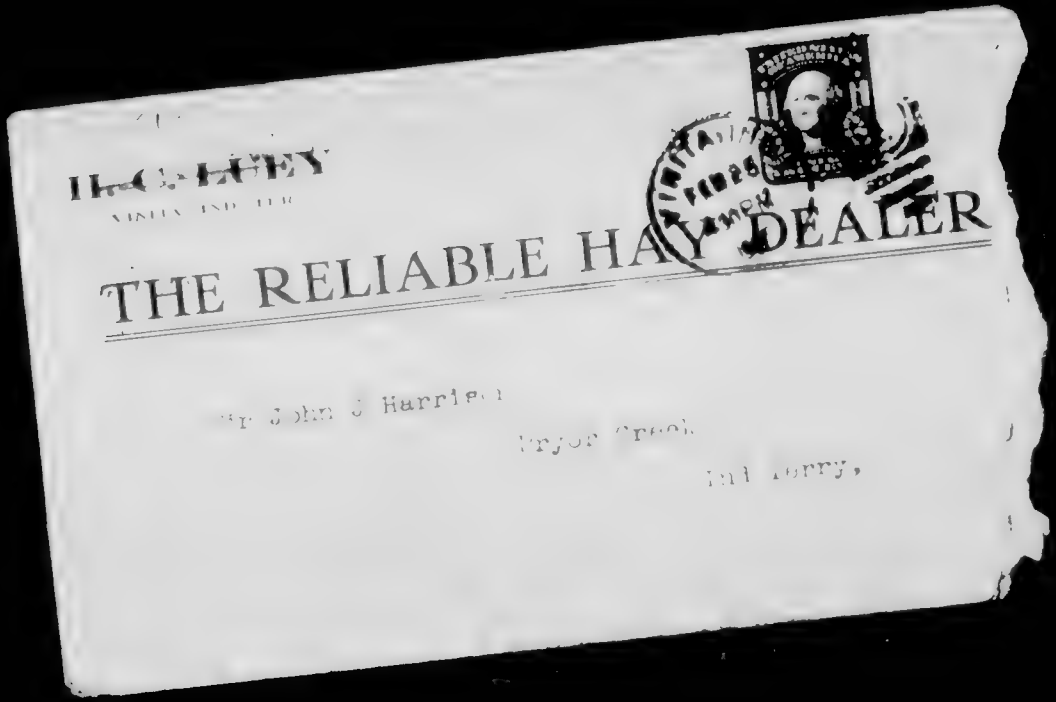
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Emaline L. Jones for the enrollment of Rollin McA. Edgerton as a citizen of the Cherokee Nation, was reversed by the Secretary of the Interior on February 17, 1903.

Respectfully,

Chairman.


H. C. LUEY
THE RELIABLE HAY DEALER
Mr John J Harrison
Bryan Creek
Mill Ferry,

IN THE MATTER OF THE APPLICATION OF

Rollin McA. Edgerton

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 19 1902

Not a drop of Cherokee blood in him — Question of blood admission — Not in — [illegible]

IN THE MATTER OF THE APPLICATION OF

Rollin McA. Edgerton

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony of 10/5/00.
B Memo. of application for enr. 10/5/00.
C Notice of final consideration 3/1/01
D Receipt for testimony.

Dismiss — E

Cher D 533

D5331

DEPARTMENT OF STATE
COMMISSION TO THE FIVE CIVIL

FILED
OCT 8 1900

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

In the matter of the application of John O. McDonald for the enrollment of himself, wife and two children as Cherokee citizens, being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your name? A John O. McDonald.
Q How old are you? A 42.
Q What is your post-office? A Knobnoster, Missouri.
Q What district do you live in? A I don't live here, I live in Missouri at present.
Q Who is it you want to have put on the roll? A Myself and my wife and two children.
Q You claim as a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q How long have you lived in the Cherokee Nation? A I haven't lived here permanently for about 18 years.
Q Where have you been making your real home for the last 18 years? A Well I have been living up in Missouri, I have no home there of my own.
Q Are you on any of the rolls of the Cherokee Nation? A Yessir
Q What rolls are you on? A 1894 and 1896.
Q Not on the roll of 1880? A No sir, I was admitted in 880 and the rolls were made out prior to the issuance of this certificate (Produces papers)
Com'r: The applicant presents official copy of certificate of admission to Cherokee citizenship, showing that on September 17, 1880, certain persons were admitted to citizenship in the Cherokee Nation, and among them appears the name of John O. McDonald.
Q That is your name, is it? A Yes sir
Com'r: This is recognized as official evidence of the facts stated
Q You are not on the roll of 1880? A No sir
Q What is the name of your father? A Henry Clay McDonald.
Q Is he dead or alive? A He is dead.
Q How long has he been dead? A He has been dead 32 or 3 years; killed in the Army.
Q Your mother's name? A My mother's present name is Mrs. Saphronia A. Bivin.
Q Give me the name of your wife? A Minnie B. McDonald.
Q How old is she? A 37.
Q When were you married to her? A In 1879.
Q You have lived together ever since you were married? A Yessir
Q She has lived where you have lived? A Yes sir
Q Give me the names of your children? A Velma Etta McDonald.
Q How old is she? A She is 19.
Q The next child? A Newton O. McDonald
Q How old is he? A 16.
Q Both living now are they? A Yes sir
Applicant: I have another certificate here of readmittance (Produces papers)
Com'r: The applicant presents official copy of a bill of the Cherokee Council approved December 2, 1898, admitting to citizenship John O. McDonald and two children, Velma E. and Newton O.
Q These are your two children? A Yes sir
Q And the first one is your name? A Yes sir.
Com'r: This is recognized as official evidence of the facts stated. This is returned to the applicant.
1896 roll examined for applicant and name not found.
1894 roll page 250 #220 John O McDonald Cooweescoowee
1880 roll examined for wife and children and names not found.
1894 roll for children page 250 #2907 Velma E. McDonald Cooweescoowee

John O. McDonald et al

1894 roll page 250 #2908 Newton O. McDonald, Cherokee Nation.

Examined by Cherokee Attorney W.F.Hutchings:

Q Why was it you had to apply for readmission in 1892 after being readmitted in1880? A I lived out of here.
Q Up to that time had you lived in the Cherokee Nation? A No sir not all the time, I lived awhile, but most of the time I lived out of here.
Q After your admission in 1892 where did you live? A I lived up there in the State of Missouri most of the while.
Q As a matter of fact you never have had any bona fide home here in the Cherokee Nation at all? A I had a farm.
Q But never did remove here and permanently locate with the idea of living, and never returning to Missouri? A No sir. I can get my license, though
Q Neither did your children, or any of them ever remove to and permanently locate in the Cherokee Nation? A No sir. They was under age and had to live with me.
Q And have always lived with you? A Yes sir.
Q And you now reside in the State of Missouri as you always have done? A Yes sir. I fully intended to remove here after I was admitted, but I am in poor health, and after I was readmitted the last time I had a sick spell, - I have stomach trouble, cancer in the stomach, and I had a sick spell here two or three days and I got able to come and I went home and went home with the intention to remove here, and I have been under the care of the doctors here the last 12 or 14 years, and my family physician advised me not to remove here, - I could die if I did.

The applicant presents certificate of marriage to his wife Miss Minnie B.Howard, on the 11th day of December 1879, by the Rev. D. C. Stephens, in Johnson County, Missouri; this is filed herewith.

Com'r Brockinridge: The applicant applies for the enrollment of himself, his wife and two children; he is shown to have been admitted to Cherokee citizenship in 1880 and to have forfeited his citizenship by removing to Missouri, and to have been readmitted in 1892, with the two children for whom he now applies, both at present minors. He is identified on the roll of 1894, but not on the roll of 1896; he is shown to have actually resided in the Cherokee Nation since his admission in 1892, for reasons set forth in the testimony; his wife is not identified with him on any roll, but he states that they have lived together ever since their marriage in 1879, and the two children applied for are identified on the roll of 1894 and not upon the roll of 1896. They have lived continuously with their father and mother in the State of Missouri; at present all of these applications will be placed upon a doubtful card for further consideration.

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 7th day of October 1906.

Commissioner.

D633

27

Commissioner.

Superscribed and sworn to before me this Merch 3, 1905.

Notary Public

Washington Notes Theatre.

The space and foreground in an engraving that is the property of the Washington Theatre. Commission to the City Clerk, Washington, D. C. Beneath the colored, be colored, and the stand-ard flag of Liberty and the United States.

"R"

D 533

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of John O. McDonald, for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

Appearances:
J. R. Sequichie, Agent, for applicants;
W W Hastings, for the Cherokee Nation.

The Commission: Applicant was notified by registered letter on February 12, 1902, that his application for the enrollment of himself, wife and minor children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st day of March, 1902, appears in person and by his agent J. R. Sequichie.

Is there any statement you desire to make ?

Mr. Sequichie: Applicant calls attention to the certificates filed in the original application of the readmission of Isaac N. McDonald by the Cherokee National Council, that I think has already been filed. He has been readmitted twice, and for the reason of non residence is shown by the presentation of a certificate of a doctor advising that he has not resided in the Cherokee Nation the length of time as shown in the testimony. I wish to file the certificate.

Mr. Hastings: To which the attorneys for the Cherokee Nation respectfully object.

Mr. Sequichie: I wish to say that the applicant was possessed of a certificate of a doctor showing the reasons why he had not resided in the Cherokee Nation, it was presented and objected to by the representatives of the Cherokee Nation, and was withdrawn.

The Commission: The practice of the Commission has been not to accept affidavits as evidence in any case. Hence the affidavit introduced by the applicant was not made a part of the record in this case.

Mr. Hastings: The evidence in this case shows that this applicant has been a continuous resident of Knobnoster, Missouri, since 1882, and was at the time of his application for enrollment in 1900, and has clearly forfeited what rights he ever had, if any, to enrollment in the Cherokee Nation, by being a non resident.

Mr. Sequichie: Special attention is called to the minor children involved in this application.

Mr. Hastings: The Cherokee Nation contends that, inasmuch as these minor children were born in the State of Missouri, they clearly follow the citizenship of the father.

The Commission: The agent for the applicants and the representative of the Cherokee Nation present submit the case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

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[illegible] claim that as [illegible] to the [illegible] and [illegible] in [illegible] the [illegible] and [illegible] in [illegible] of the [illegible] [illegible] goods [illegible].

[illegible]

Subscribed and sworn to before me this March 3, 1921.

[illegible]

[illegible]

I, E. Bagwell, on oath state that as stenographer in the [illegible] to the Sac and Fox Tribunal, I correctly recorded the testimony and proceedings had in the case of [illegible] the above and foregoing is an accurate transcript of the stenographic notes thereof.

E. E. Bagwell

Subscribed and sworn to before me this March 3, 1902.

M. D. Green
Notary Public.

8232

Cherokee D 533.

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

In the matter of the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

MINNIE B. McDONALD, being sworn, testified as follows:

By the Commission,

Q What is your name? A Minnie B. McDonald.
Q How old are you, Mrs. McDonald? A I am thirty-nine. You will have to talk a little louder; I am a little hard of hearing.
Q What's your postoffice address? A Knobnoster, Missouri.
Q You're an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
Q What is your husband's name? A John O. McDonald.
Q Is he a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to John O. McDonald? A We were married in '79.
Q Where were you married, Mrs. McDonald? A We were married in Johnson County, Missouri.
Q How soon after your marriage did you come to the Territory?
A Why, I have never lived in the Territory. My husband has but I have never lived in the Territory.
Q You have never lived in the Territory? A No, sir, my husband had.
Q How soon after your marriage did your husband come to the Territory? A Well, off and on.
Q He has never really made this his home? A Not since we were married.
Q You have never kept house in the Territory since you were married, you and he? A No, sir, never kept house.
Q Always lived up there in Missouri, had a home up there? A Yes, sir, his health will not permit him to live in the Territory.
Q When was the last time Mr. McDonald was in the Territory?
A He was here last March.
Q How long did he stay when he was here? A Well, he was here, I think, about ten or fifteen days, as well as I remember.
Q When was he here the time before that, if you know? About how long ago has it been? A Well, he was here in March, I think. He was here in the fall before, if I remember right. He has been here about once a year for the last eight or ten years.
Q Just stayed a few weeks? A Yes, sir.
Q You never came with him on those trips? A Yes, I have been down.
Q How many times? A This is the second time.
Q How long did you stay down here on your first trip? A About two weeks.
Q What town did you stop at? A Why, at - well, we did not stop at any town but close to Bluejacket at his brethers.
Q You did not have any house of your own at all? You just stopped with his brother? A Yes, sir.
Q Were you ever married before you married Mr. McDonald? A No, sir.
Q Was he ever married before he married you? A No, sir.

Q Have you lived together as husband and wife from your marriage up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir, never been separated.
Q Are these two children, Velma E. and Newton O., your children?
A Yes, sir.
Q Mr. McDonald their father? A Yes, sir.
Q These two children have never lived in the Territory any more than you? A No, sir.
Q And when you come they would come? A Yes, sir.
Q And what is true of your residence is also true of their residence
A Yes, sir.

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

Retta Chick

Subscribed and sworn to before me this 2nd day of December, 1902.

Notary Public.

IN THE DEPARTMENT OF THE INTERIOR.

----oOo----

In re

Application of John O. McDonald,

et al., for enrollment as citizens

of the Cherokee Nation.

----oOo----

BRIEF ON BEHALF OF APPLICANTS.

We ask consideration first of the claims of the children, Velma Etta and Newton O. McDonald. The facts, as shown by the record, as to them are that they were readmitted to citizenship in 1892; that their names both appear upon the 1894 strip payment roll and on the 1896 census roll, and that they were both minors on June 28, 1898; in fact, they were both minors when the testimony was taken in this case in October, 1900, and the boy, Newton, is still a minor. Their case is, therefore, exactly like that of Ora L. Camp decided by the Department on March 25, 1903, (I.T.D. 1418-1903) except that Ora L. Camp's name was not on the 1894 strip payment roll. We, therefore, submit, without burdening the Department with further argument, that under the rulings in the Camp case that both of these children should be enrolled.

As to the claims of John O. McDonald and his wife, the facts are that John O. McDonald is a Cherokee by blood and was duly admitted in 1879 and again in 1892. His name appears upon the 1894 strip payment roll and on the 1896 census roll. Since 1892 he has lived in the Nation part of the time and part of the time in Missouri, perhaps more generally in Missouri than in the Nation, which is accounted for by the fact that he has a cancer of the stomach and has, because of the same, been under, for many years, the constant care of a physician who has advised him that the climate and water of the Indian Territory are such as to ag-

gravate his disease so seriously that he would die if he undertook to make his home in the Cherokee Nation permanently. His physician has filed an affidavit as to the truth of this statement and we have the statement in the record of Senator Cockrell of Missouri that the physician who makes the affidavit is a reliable physician and man.

Applying these facts to the decision in the Yeargains case it is clear that John G. McDonald should be enrolled, because he has not become a citizen of Missouri; in fact, the record is clear that he has not even ~~maintains~~ owns a home there. He could not become a citizen of Missouri without first becoming a citizen of the United States under the Missouri Constitution and laws, and he could not become a citizen of the United States except under the provisions of the Act of Congress approved February 8, 1887.

Elk vs. Wilkins, 112 U. S., 94.

The Act of Congress under which he became a citizen of the United States expressly provides that it shall not be so construed as as to deprive McDonald of his tribal rights to property.

If this act be inconsistent with the Cherokee Constitution, the act of Congress prevails.

Opinion of S. V. Proudfit, First Assistant Attorney, approved July 8, 1903, by the Acting Secretary, in regard to the particular section of the Cherokee Constitution here under consideration.

Judge Proudfit said:

The premise that the legislative power of Congress over the affairs of Indian Tribes and Nations is plenary to repeal or change their laws and constitutions, is so well established as to be beyond further controversy.

It, therefore, follows, as the night the day, that McDonald has not become a citizen of Missouri in any such way as to forfeit his tribal rights to property.

Recurring again to the Yeargains case McDonald left the Nation not with the intent to forfeit his Cherokee Tribal rights, but, on the contrary, in order to preserve his life under the ad-

right of his position, and so, therefore, submit that under the spirit and within the letter of the Georgine decision he has not done all of the four things necessary to forfeit his rights, and here merely note that the Tennessee case holds that he must have done all of them to have forfeited his rights and that if he did any number less than all four he has not forfeited his rights.

We presume that Mrs. McDonald's case will be held up pending the final adjudication of the intermarried whites' cases by the Court of Claims.

Respectfully submitted,

Harry S. Kimball

Fred Henry Fitts

Attorneys for Applicants.

Cherokee,D-633

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 5, 1900, the applicant, John E. McDonald, appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation. Further testimony was submitted in this case on March 1, 1902 at Muskogee, Indian Territory.

It appears from the evidence in support of this application and from the records of the Cherokee Nation in possession of this Commission that John O. McDonald was admitted to citizenship in the Cherokee Nation on September 17, 1880. It further appears that John O. McDonald and his two minor children, Velma E. and Newton O. McDonald, were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved December 2, 1898. It further appears that the applicant and all those for whom application is herein made have not resided in the Cherokee Nation or in Indian Territory for eighteen years next preceding the application herein. John O. McDonald was lawfully married to his wife, Minnie B on December 11, 1879. The applicant, John O. McDonald and his two minor children, Velma E. and Newton O. McDonald are identified on the 1894 Pay Roll of the Cherokee Nation.

The authority of the Commission herein is defined in Sec.

9, Sec. 21, of the act of Congress, June 28, 1898(30 Stats., 495):

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

It is therefore the opinion of this Commission that John O. McDonald, Velma E. McDonald, and Newton O. McDonald are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that Minnie B. McDonald is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this NOV 20 1902

IN THE DEPARTMENT OF THE INTERIOR,

WASHINGTON, D. C.

---ooOoo---

| | |
|---|---|
| In re | ) |
| Application for enrollment of | : |
| John O McDonald et al | ) |
| as citizens of the Cherokee Nation. | : |

PROTEST OF THE CHEROKEE NATION.

The testimony in this case shows and the Commission so finds that John O McDonald was admitted to citizenship in the Cherokee Nation on September 17, 1880 and it further appears that the said John O. McDonald and his two minor children were again re-admitted to citizenship by an act of the National Council approved December 2, 1892.

They live and have lived for the past 18 years in Knobnoster, Missouri where he married in Johnson County, Missouri in December, 1879; his children were born in that state, and never had any residence whatever since that time in the Cherokee Nation.

The act of the National Council re-admitting the said John O. McDonald provided: "That they permanently locate within the Cherokee Nation within six months." Now here is a limitation upon the act re-admitting these people. They were re-admitted upon conditions that they remove to the Cherokee Nation within six months; citizenship was tendered to these people upon these conditions, they did not avail themselves of it and therefore is it quite clear that they should have been, as they were, rejected by the Commission.

The fact is that these people never became citizens of the Cherokee Nation, they never complied with the conditions of their re-admission; they never moved here to perfect there citizenship; these two children were born citizens of the State of Missouri; their father became a citizen of the State of Missouri by choice; they could have become citizens of the Cherokee Nation by complying with the conditions of their

readmission but they admitted that they did not comply with the conditions of their re-admission but that they have continuously resided in the State of Missouri since the year 1879, they are therefore clearly not entitled to be enrolled as citizens of the Cherokee Nation.

Respectfully Submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

ATTORNEYS:
L. B. BELL.
W. W. HASTINGS.
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number D. 333

Muskogee, I.T. Feb. 19, 1902.

Mr. W. B. Alberty,

Tahlequah,

I. T.

Dear Sir:-

Please furnish us with a certified copy of the act of the National Council of the Cherokee Nation, approved Dec. 2, 1892, admitting to citizenship John O/ McDonald and two children, Velma F. and Newton O.

Yours very truly,

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D

Muskogee, I. T., Feb. 19, 1902.

Post Master,

Knobnoster, Mo.

Dear Sir:

Please advise us if John McDonald lived near Knobnoster, Missouri, and has he any property or a family up there, and would you consider him a citizen of the state of Missouri?

Awaiting your reply, we are,

Yours very truly,

J C Starr

Knobnoster Mo
Feb 21 - 1902

J. C. Stare.

Sir, John, O. McDonald lives here, or rather on A farm in the Country. has Wife, Son & Daughter he is considered A Citizen of this State, but his Grand Mother on his Mothers side was ahalf Breed Indian

Respectfully
J. A. Mahan P.M.

P.S. I suppose he owns his Farm at least it was his,

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-533.

Muskogee, Indian Territory, November 25, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of John O. McDonald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. H-151.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON C. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING:

Cherokee D 533.

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of John O. Mc Donald for the enrollment of himself and his two minor children, Velma E. and Newton O. McDonald, as citizens by blood, and for the enrollment of his wife, Minnie B. McDonald, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 17, 1902.

Respectfully,

Acting Chairman.

HARRY G. KIMBALL.
WILLIAM HENRY WHITE.

KIMBALL & WHITE,
Attorneys at Law,
COLUMBIAN BUILDING, 416 5TH ST., N. W.,
Washington, D. C.

December 7, 1903.

W. W. Hastings, Esq.,

Muscogee, Ind. Ter.

Dear Sir:

We enclose herewith carbon copy of brief on behalf of applicant in re application of John C. McDonald, et al., for enrollment as citizens of the Cherokee Nation.

Very respectfully,

Kimball & White

[illegible] OF THE APPLICATION

John C. McDonald

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

D. Original testimony of 10/5/00

B. Memo of application of 10/5/00

6. Marriage certificate

D. Notice of final consideration 3/1/[illegible]

Copy of testimony [illegible]

[illegible]

Cancelled January 5 1903, and transferred to Cherokee R. [illegible]

Dawson - R

Cher D 534

8-534

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T. October 8th, 1900.

IN THE MATTER OF THE APPLICATION OF RACHEL SHOULDER FOR THE ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN.

The said Rachel Shoulder, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name please? A Rachel Shoulder.

(Examination conducted through Interpreter)

Q How old are you? A She came here two years before the Cherokee's came in 1838.

Q What is her postoffice? A Mayesville, Arkansas.

Q What district does she live in? A Delaware District.

Q Who is it now she wants to have enrolled? A Just herself.

Q She is a full blood Cherokee, is she? A Yes, sir.

Q She has livedin the Cherokee Nation all her life? A Yes, she says.

Q What was the name of her husband? A Charlie Shoulder.

Q Is he dead? A Yes, sir.

Q How longhas he been dead? A He has been dead about fifteen years.

Q What district were you in 18 1880? A She says she thinks they were in Saline.

THE COMMISSIONER: The applicant is a full blood Cherokee, and cannot speak English. She states that she came to the Cherokee Nation pryor to 1838, and has been in the Cherokee Nation all her life. She knows very little about her own name, and it cannot be identified on any roll. No doubt is entertained of her being a native Cherokee, and of her being entitled to enrollment by reason of her birth and blood and continued residence, but not being definitely identified upon any roll she will at present be placed upon a doubtful card for future consideration.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoingis a correct and complete transcript of his stenographic notes thereof.

Wm. S. Mullhea

Subscribed and sworn to before me this 22nd day of October A. D. 1900.

Commissioner.

IN THE MATTER OF THE APPLICATION OF

Rachel Shoulder

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A. Original testimony of 7/5/00.

B. Memo. of application

CANCELLED

IN THE MATTER OF THE APPLICATION OF

Rachel Shoulder

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 19 1902

Full Blood

Cherokee

Cher D 535

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 5th, 1900.

IN THE MATTER OF THE APPLICATION OF Susan Evans for the enrollment of herself, her husband and four children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Susan Evans.
Q What is your age? A Forty.
Q What is your Postoffice? A Centralia.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the rolls; yourself?
A Yes sir.
Q Your husband? A Yes sir.
Q How many children? A Four.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your husband a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q How long have you lived in the Cherokee nation? A All my life.
Q What is the name of your father? A John Sdair.
Q Is he living or dead? A Dead.
Q What is the name of your mother? A Sallie Starr.
Q Is she living or dead? A Dead.
Q When did you marry this husband? A In 1886.
Q Give me the name of your husband? A Lester Evans.
Q Have you a marriage license and certificate? A Yes sir.
The applicant presents an official copy of a Cherokee license, issued by the Clerk of Canadian District, March 13th, 1886, authorizing marriage between Lester Evans and Mrs Susan Jordan: The certificate shows that they were married on the same day, by the Reverend R. C. Parks. This is filed herewith.
Q Has your husband lived with you ever since you and he were married in 1886? A Yes sir.
Q Was your former husband dead when you married him? A Yes sir.
Q Was he ever married before he married you? A No sir.
Q Give me the names of your children? A Myrtle Jordan.
Q How old is that child? A Eighteen.
Q Now, the next child? A Alexander Jordan.
Q How old is that child? A Fifteen.
Q The next child? Vannie Jordan.
Q How old is that child? A She is fifteen; they are twins.
Q Next child? A Minnie Evans.
Q How old is that child? A Twelve.
Q All living now, are they? A Yes sir.
Q Your name was Jordan in 1880? A Yes sir.
Q What was your husband's name then? A Alex Jordan.
Q Have you any middle name? A No sir.
Q You were married to him in 1880, were you? A I do not exactly know.
Q Was your mother dead in 1880? A She died before I can remember
Q Were you ever outside of the Cherokee Nation? A No sir.
(1896 Roll, Page 21, #870, Susan Evans, Canadian District)
Q How is it you are not found on the roll of 1880? A I do not know: I never was outside of the Cherokee Nation in my life.
(1896 Roll, Page 87, #76, Lester Evans, Canadian Dist)
(1896 Roll, Page 38, #1047, Myrtle Jordan, Canadian District)
(1896 Roll, Page 38, #1048, Alex Jordan, Canadian District)
(1896 Roll, Page 38, #1049, Vanie Jordan, Canadian District)
(1896 Roll, Page 21, #871, Minnie Evans, Canadian District)
Q Have you any one here who has known you all your life? A I do not know.

The applicant applies for the enrollment of herself, her husband and four children: She is identified on the roll of 1896, as a native Cherokee: She states that she has lived in the Cherokee

Nation all her life, but she is not identified on the roll of 1880. Her application will be placed upon a doubtful card, awaiting further evidence in regard to her being a native Cherokee, as she states, and the alleged fact of her having lived all her life in the Cherokee Nation.

Her husband is shown to have married her in 1886. They have lived together ever since their marriage. He is identified with her on the roll of 1896. He married her in accordance with Cherokee law. He will be changed as a Cherokee by adoption, and will be placed upon a doubtful card with his wife.

The four children named in the testimony, three by the applicant's former husband, are identified on the roll of 1896. They are all living now, and will be placed upon a doubtful card, to await the testimony desired in their mother's case.

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

A R Cravens

Subscribed and sworn to before
me this 9th day of October, 1900.

C A Bren

COMMISSIONER.

D535

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES..

Nowata, I.T. October 16th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF LESTER EVANS FOR THE ENROLLMENT OF HIMSELF AND FAMILY. D Card No. 535.

Emily E. Measles, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Emily E. Measles.

Q How old are you? A Well, I just lack until the 18th of this month, or the 17th, of being eighty-two years old.

Q What is your post office? A Talala.

Q Do you live in Cooweescoowee District? A Yes, sir; I live down here at Talala.

Q How long have you lived in the Cherokee Nation? A I ain't been in this district long, but I have been in here ever since the year 1834; the spring of 1834 I come to this Nation.

Q Do you know this lady here, Mrs. Susan Evans? A Yes, sir; I have known here for many years.

Q Have you known her all her life? A Ever since she was a girl I have known her.

Q How old? A I don't know exactly. I can't hardly keep my own age let alone anybody else's.

Q Did you know her father before her? A I knowed her father well, but I wasn't very well acquainted. They lived about ten miles from me and we didn't visit that distance in our country.

Q Have you known her ever since she was a little girl? A Yes, sir; long before she was married.

Q She has lived in the Cherokee Nation ever since you knew her and ever since she was born? A I reckon so. She was here when I found her.

Q And has been there ever since? A Yes, sir.

Q Was her mother a Cherokee woman? A Yes, sir.

Q What was she, a full blood? A No, I don't think she was. I wasn't well acquainted with her; I was acquainted with her father, wat was said to be her father.

Q Well, was her mother a Cherokee? A Yes, sir; she was a Cherokee.

Q But not a full blood? A Well, I don't reckon she was more than a quarter-roon or maybe a half breed.

Q But she was recognized regularly as the wife of this woman's father? A Yes, sir; always ever since I ever heard of her.

Q You think Mrs. Evans was born in the Cherokee Nation? A I know she was.

Q And lived here all her life? A Yes, sir; lived here all her life.

Examination by Mr. Joel L. Baugh, Representative of the Cherokee Nation. What was this woman's father's name? A Ruphordair.

Q What was her mother's name? A I don't know her name. I never asked her name. I didn't ask folks their given names. I didn't visit them. The men used to come home, and that is the reason I got acquainted, and he was there many times.

Q You say that you know this woman. How do you know that she is the daughther of Ruphordair? A Well, he never

said she wasn't. I couldn't swear he was actually her father, but then she was in the same place.

Q Did this woman's mother and Euphedair live together as man and wife. A They did until she died, and then he died after while.

Witness excused.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes taken at the time and place, and of the supplemental proceedings, aforesaid.

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

Commissioner.

Q What is your postoffice address? A Stilwell, Indian Territory.
Q You are a recognized citizen of the Cherokee Nation? A Yes,sir.
Q By blood? A Yes, sir.
Q Are you acquainted with Susan Evans, the wife of Lester Evans?
A I guess I was before she married Evans. I haven't been acquainted with her since she married him.
Q Was she a daughter of Cynthia Ann Hair? A Yes, sir.
Q Her father and mother were both Cherokees, were they? A Yes,sir.
Q They had always been recognized as citizens of the Nation? A Yes sir.
Q Do you know whether this Susan Evans wasn't enrolled in 1880?
A No, sir, I can't.
Q Do you know where she was living at that time? A No, sir, she married a man named Worcester and moved from our district to Canadian and that is the last time I heard of her; since, she married a man by the name of Evans, I understand.
Q Worden was a citizen by blood? A Yes, sir, I guess he was, he proved to be; he was a Texas Indian.
Q Do you know whether Susan Evans was born in the Cherokee Nation?
A No, sir, I don't, I don't know whether she was born during the war or before the war, I can't state.
Q As long as you knew her she always made her home in the Cherokee Nation? A Yes, sir, lived with her father until she married.
Q Did you know both her father and mother? A No, sir, didn't know her mother, her mother died before I got acquainted with the family, but I knew the family, well acquainted with her father.
Q Has Susan Evans always been recognized as a citizen, have her rights ever been disputed? A Not that I know of. I never knew her as Susan Evans; she was Susan Hair and then Susan Worden, and Worden and then it is my understanding she married an Evans.

***********

Bruce C. Jones, being duly sworn, says that he 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.

Cherokee by blood, D-388.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 10, 1901.

In the matter of the application of Lester Evans et al. for enrollment as Cherokee citizens.

Supplementary testimony;

Appearances:
Applicant present in person;
J. L. Baugh, representative of the Cherokee Nation.

MARK BEAN, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Mark Bean.
Q What is your age? A 58 years old.
Q What is your postoffice address? A Evansville, Arkansas.
Q You are a recognized citizen, by blood, of the Cherokee Nation?
A So enrolled.
Q Are you acquainted with Susan Evans, who was an applicant before this Commission at Vinita on the 5th of October, 1900? A Yes, sir.
Q Are you acquainted with the husband of Susan Evans, Lester Evans?
A No, sir, I don't know him.
Q How long have you known Susan Evans? A Ever since she was born.
Q She is a Cherokee by blood? A Her mother was a first cousin of mine and her father was a Cherokee.
Q Do you know whether or not she was enrolled in 1880? A Well the record seems to show that she wasn't.
Q Do you know why she wasn't enrolled at that time? A I don't know; I would like to add a little right there; I am perfectly satisfied that she had continually resided in the Cherokee Nation before and since 1880.
Q About how old is she, Mr. Bean? A She must have been born during the sixties, along '68 or '9.
Q Was she married in 1880? A I think she was.
Q Do you know to whom she was married at that time? A Yes, sir.
Q What was the name of her husband? A Alex ~~Thornton~~ Gordon.
Q Was he a white man or a Cherokee? A He was a Cherokee.
Q Where was he living at that time, in 1880? A I think he was living in Canadian.
Q Was she ever married to any other man besides Evans and Gordon?
A No, sir, I never heard of her having any other husband.
Q Did her ~~mother~~ parents die before 1880? A No her mother died before 1880, but her father didn't die till after 1880.
Q Did her father remarry after the death of her mother? A Yes, sir.
Q What was her father's name? A Ephriam M. Adair.
By J. L. Baugh; Do you know about when she married Alex Gordon?
A Yes.
Q When was that? A I think it was in '78 or '9, along about that time.
Commission: Do you know whether the father and mother of Susan Evans lived together continuously up until the time of the death of Mrs. Evans? A I do, not the death of Mrs. Evans, the death of Mrs. Adair.
Q They were always recognized as man and wife? A As man and wife yes sir, for she was a first cousin of mine and he was a very particular friend of mine and was the captain of the company I served in the greater part of the war.

C. L. LYNCH, being duly sworn, testified as follows:

Q What is your name? A C. L. Lynch.
Q What is your age? A Going on 61.

Q What is your postoffice address? A Stilwell, Indian Territory.
Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Are you acquainted with Susan Evans, the wife of Lester Evans?
A I guess I was before she married, I haven't been acquainted with her since she married him.
Q Was she a daughter of Ephraim Adair? A Yes, sir.
Q Her father and mother were both Cherokees, were they? A Yes, sir.
Q They had always been recognized as citizens of the Nation? A Yes sir.
Q Do you know whether this Susan Evans wasn't enrolled in 1880?
A No, sir, I can't.
Q Do you know where she was living at that time? A No, sir, she married a man named Alberson and moved from our district to Canadian and that is the last time I heard of her; since, she married a man by the name of Evans, I understand.
Q Jordan was a citizen by blood? A Yes, sir, I guess he was, he proved to be; he was a Texas Indian.
Q Do you know whether Susan Evans was born in the Cherokee Nation?
A No, sir, I don't, I don't know whether she was born during the war or before the war, I can't state.
Q As long as you knew her she always made her home in the Cherokee Nation? A Yes, sir, lived with her father until she married.
Q Did you know both her father and mother? A No, sir, didn't know her mother, her mother died before I got acquainted with the family, but I knew the family, well acquainted with her father.
Q Has Susan Evans always been recognized as a citizen, have her rights ever been disputed? A Not that I know of, I never knew her as Susan Evans; she was Susan Adair and then Susan Jordan, and Jordan and then it is my understanding she married an Evans.

***********

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 September, 1901.

M R Lucas
Notary Public.

"R"

Cherokee D 535

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Lester Evans for the enrollment of himself, wife and child and step-children as citizens of the Cherokee Nation.

Appearances:
Applicant in person and applicant's wife, Susan Evans; W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 1 0,1902, that his application for the enrollment of himself, wife and child and step-children as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its office in Muskogee, Indian Territory on the first day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant and his ~~attorney~~ wife this day ~~appear~~ to-wit, the 1st day of March, 1902, appear in person.

SUSAN EVANS, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Susan Evans.
Q How old are you? A 41.
Q What is your post-office address? A Centralia.
Q Is that your husband?(Pointing to man.) A Yes sir.
Q Whatis his name? A Lester Evans.
Q You are both applicants before the Commission for the enrollment of yourselves as citizens of the Cherokee Nation? A Yes sir.
Q Is there any statement that you desire to make relative to your enrollment as citizens of the Cherokee Nation? A I don't know.

LESTER EVANS, being first duly sworn and being examinedtestified asfollows:
BY COMMISSION:
Q What is your name? A Lester Evans.
Q How old are you? A 42.
Q What is your post-office address? A Centralia.
Q Is there any statement you desire to make relative to the enrollment of yourself, wife and child and step-child as citizens of the Cherokee Nation? A Why, none I guess.
Q Do you in behalf of your wife and her children and your child submit the case to the Commission for final consideration? A I don't understand it.
Q Do you in behalf of your wife and children submit this case to the Commission for final consideration? A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case to the Commission, and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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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.

Subscribed and sworn to before me
this March 4,1902.

COMMISSION TO THE ...

FILED

NOV 23 1992

Acting Chairman

Sworn before me at the Parliament Buildings, Wellington this 23rd day of November 1992.

Notary Public.

Subscribed and sworn to before me at the Parliament Buildings, Wellington this 24th day of November 1992.

Commissioner of the High Court of New Zealand.

Cher
Supp'l to # D 535

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

In the matter of the application of LESTER EVANS, for the enrollment of himself as a citizen by intermarriage, and his wife, SUSAN EVANS, his step-children, MYRTLE, ALEXANDER and VANNIE JORDAN, his daughter, MINNIE EVANS, and his step-granddaughter, LENA SANDERS, as citizens by blood of the Cherokee Nation:

LESTER EVANS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Lester Evans.
Q What is your age ? A Forty two.
Q What is your post office address ? A Centralia.
Q Are you the same Lester Evans that applied for enrollment as an intermarried citizen in October, 1900 ? A Yes sir.
Q What is your wife's name ? A Susan.
Q Is she living ? A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you married to your wife Susan ? A In 1886.
Q Had you ever been married before your marriage to Susan ?
A No sir.
Q Had she ever been married before her marriage to you ?
A Yes sir.
Q How many times had she been married before ? A Once.
Q What was her first husband's name ? A Jordan.
Q Was he living or dead when you married her ? A Dead.
Q Have you and she lived together ever since your marriage up to the present time ? A Yes sir.
Q Never been separated ? A No sir.
Q Living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A I have lived here nineteen years.
Q Have you lived all the time for the last nineteen years in the Cherokee Nation ? A Yes sir.
Q Has your wife lived with you in the Cherokee Nation since that time ? A Since we were married.
Q Lived here together all the time since you and her were married ?
A Yes sir. She was born and raised here.
Q Who are these children, Myrtle, Alexander and Vannie Jordan ?
A They are my step-children.
Q Your wife's children by her first husband ? A Yes sir.
Q Are they all three living ? A ~~N~~ No sir, Alexander is dead.
Q When did Alexander die ? A He died last January.
Q Are the other two living ? A Yes sir.
Q Have they lived in the Cherokee Nation all the time ?
A Yes sir.
Q Is Minnie Evans your child by your wife Susan ? A Yes sir
Q Is she still living ? A Yes sir.
Q Has she lived in the Cherokee Nation all her life ?
A Yes sir.

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[illegible]

[illegible]

Subscribed and sworn to before me this [illegible]

[illegible]

Cherokee D-555.

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

In the matter of the application for the enrollment of Susan Evans, Myrtle, Alexander and Tennie Jordan, Minnie Evans and Lena Sanders as citizens by blood, and for the enrollment of Lester Evans as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The evidence in this case shows that on October 3, 1902, Susan Evans appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her minor children, Myrtle, Alexander and Tennie Jordan and Minnie Evans as citizens by blood, and for the enrollment of her husband, Lester Evans, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Bowata, Indian Territory, on October 16, 1902; at Fort Gibson, Indian Territory, on September 13, 1901, and at Muskogee, Indian Territory, on March 2, and October 20, 1902. On October 20, 1902, there was filed with this Commission an affidavit of death wherein it is shown that Alexander Jordan died in January, 1902; there was also filed with this application an affidavit of birth wherein it is shown that a minor child, Lena Sanders, was born on June 24, 1900, to Myrtle Jordan.

The evidence shows that Lester Evans was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on March 16, 1886, to Susan Jordan, Susan Evans (formerly Jordan), is identified on the Cherokee authenticated roll of 1880 and the strip payment roll of 1894 as a native Cherokee. Myrtle, Alexander and Tennie Jordan, and Minnie Evans are identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896. Lester Evans is identified on the Cherokee census roll of 1896. Lena Sanders is identified by a certificate of birth, made a part of the record herein. It is further shown that Alexander Jordan died in January, 1902, and is evidenced by an affidavit of death, made a part of the record herein.

The evidence further shows that Susan Evans has lived in the Cherokee Nation all her life and that her husband, Lester Evans, has lived with her in said nation since the date of his marriage to her, up to and including September 1, 1902. The minor children applicants herein have resided all their lives in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Susan Evans, Myrtle Jordan, Tennie Jordan, Minnie Evans and Lena Sanders, should be enrolled as citizens by blood, and that Lester Evans should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

IN THE MATTER OF THE APPLICATION OF

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Cher D 536

D536

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T. OCTOBER 5th, 1900.

IN THE MATTER OF THE APPLICATION OF Rhoda Horton for the enrollment of herself, her husband and six children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Rhoda Horton.
What is your age? A Thirty two.
What is your P.O. office? A Kluwjuskat.
In what district do you live? A Coowescoowee.
Who is it you want to have put on the roll? A My husband, myself and six children.
Are you a Cherokee by blood? A No sir; Shawnee.
What is your husband? A A white man.
How long have you been in the Cherokee Nation? A Ever since I was two years old.
Q You came here in 1870, did you? A Yes sir.
What is the name of your father? A Alonzo Summers.
Is he dead or living? A He died has been dead since 1873.
What is your mother's name? Mary Summers.
Is she dead or living? A She is living.
What is your husband's name? A John H. Horton.
How old is he? A Thirty one.
When did he marry you? A In 1893.
Have you a license and certificate? A Yes sir.
The applicant presents a license, issued by the Clerk of Coowescoowee District, February 23rd, 1893, authorizing marriage between John H. Horton and Miss Rhoda A. Summers: The certificate shows that they were united in marriage on the same day, by the Clerk of the district. This is filed herewith.
Q Has your husband lived with you ever since he married you and he were married in 1893? A Yes sir.
All the time in the Cherokee Nation? A Yes sir.
What are the names of your children under twenty one years of age and unmarried? A I have two by my first man: Rosline Barker.
How old is that child? A Thirteen.
Next child? A Mary Ann Barker.
How old is she? A Eleven.
Next child? A Laura May Horton.
How old is that child? A Eight.
Next child? A Jessett Leroy Horton.
How old is that child? A Six.
Next child? A William Alonzo Horton.
How old is he? A Four.
Next child? A Benjamin Franklin Horton.
How old? A About eight months old.
All living, are they? A Yes sir.
What is the name of your first husband? A Lawrence L. Barker.
When did you marry him? A February 3rd, 1884.
When did he die? A He is not dead.
Is he a white man, or what? A White man, I reckon: We did not get any license; he claimed he was a Cherokee.
Did you get a divorce from him? A Yes sir.
Have you a copy of the decree? A No sir; but I have a letter from my mother, and he told me I got it.
(1880 Roll, Page 214, #2136, Rhoda Summers, Delaware Dist)
(1896 Roll, Page 344, #222, Rhoda Horton, Coowescoowee Dist)
(1896 Roll, Page 308, #414, John Horton, Coowescoowee Dist)
(1896 Roll, Page 344, #223, Rosline Barkergx Horton, Coowescoowee District)
(1896 Roll, Page 344, #224, Mary A. Horton, Coowescoowee Dist)
(1896 Roll, Page 344, #225, Laura May Horton, Coowescoowee District)
(1896 Roll, Page 344, #226, Albert L. Horton, Coowescoowee Dist)

(1896 Roll, Page 344, #887, William A. Norton, Tahlequah District)

The applicant applies for the enrollment of herself, her husband and six children. She is identified on the rolls of 1880 and 1894, as an adopted Shawnee; She has lived in the Cherokee Nation since 1870, and she will be listed now for enrollment as an Adopted Shawnee.

Of her six children, the first two, by her first husband, are identified with her on the roll of 1896; They are living now, and will be listed for enrollment as Cherokee Shawnees. Of the succeeding four children, the first three are identified with her on the roll of 1896; They are the children of her present marriage; are living at this time, and they will be listed for enrollment as Cherokee Shawnees.

When the Commission is supplied with a proper certificate of the birth of her youngest child, Benjamin F. Norton, that child also will be duly listed for enrollment as a Cherokee Shawnee.

Her husband is shown to have married her, in accordance with Cherokee law, in 1893. The license and certificate are filed herewith. He is identified with her on the roll of 1896; They have lived together ever since their marriage, and in the Cherokee Nation. The applicant does not at this time present a copy of the decree of divorce from her first husband, which is necessary to the status of her husband as a citizen. His application will be placed upon a doubtful card, we await a copy of the decree of divorce of the applicant from her first husband.

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

R R Crawford

Subscribed and sworn to before me this 9th day of October, 1900.

C H Mueller Jr

COMMISSIONER.

Cherokee D 556

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rheda Horton for the enrollment of her husband John H. Horton, as a citizen by intermarriage of the Cherokee Nation.

The record in this case shows that on October 5, 1900, Rheda Horton appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of her husband John H. Horton, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the testimony offered at that time John H. Horton was listed on a "Doubtful" card, awaiting evidence of divorce of Rheda Horton from a former husband, which evidence has been furnished the Commission. The application also included Rheda Horton, Laura M., Emmett L., William A. and Benjamin F. Horton; also, Emaline Barker and Mary A. Barker, but as they are listed for enrollment on Cherokee Roll Card Field No. 4197, their case is not passed upon at this time.

The evidence in this case shows that John H. Horton, a white man, married on the 23rd day of February, 1893, in accordance with the laws of the Cherokee Nation, one Rheda A. Summers, a Shawnee Indian, who is identified on the Cherokee Authenticated Tribal Roll of 1880. She has lived in the Cherokee Nation for 30 years. John H. Horton has lived therein since his marriage, and is identified on the Cherokee Census Roll of 1896.

The authority of the Commission herein is defined in Par. 1, Sec. 21, of the Act of Congress, June 28, 1898. (30 Stats., 495).

It is the opinion of this Commission that John K. Korton is lawfully entitled to be enrolled as a citizen by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for his enrollment as such should be granted, and it is therefore so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

T. R. Proctor

Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 536.

Muskogee, Indian Territory, August 13, 1902.

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

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of John H. Horton for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 25.

IE

No 536

IN THE MATTER OF THE APPLICATION OF

John [illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of [illegible] 5/00.
B. Memo. of [illegible] of [illegible] 5/00.
C. Copy of order of Court.

Chickasaw

See [illegible]

Cher D 537

D537

ARTMENT OF THE INTERIOR
N TO THE FIVE CIVILIZED TRIBES.
FILED
OCT [illegible] 1900
CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 8TH, 1900.

IN THE MATTER OF THE APPLICATION OF Katie Baldwin for the enrollment of her two children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Katie Baldwin.
Q What is your age? A Twenty four.
Q What is your Postoffice? A Vinita.
Q In what district do you live? A Coowesscoowee I believe.
Q Who is it you want to have put on the rolls? A My two children.
Q Not yourself? A No sir.
Q What are the names of your children? A The oldest one is John DeLoss Martin.
Q How old is that child? A Eight.
Q What is the name of the next child? A Dora Melissa Martin.
Q How old? A Five.
Q Both living now, are they? A Yes sir.
Q What is the name of the father of these children? A Harvey Martin.
Q Is he dead or living? A I do not know; I understand he is dead.

Q Was he a Cherokee or white man? A Cherokee.
Q Have you a certificate of your marriage? A No sir; I have witnesses here.
Q How old would he be if he were living now? A Twenty eight.
Q What is the name of his father? A Jack Martin.
Q Dead or living? A Dead.
Q What is the name of his mother? A Nancy White now.
Q Dead or living? A She is living.
Q What is your father's name? A William R. Hendrix.
Q Your maiden name was Hendrix? A Yes sir.
Q You married Martin? A Yes sir.
Q You separated from him? A Yes sir.
Q And now you are married to a man named Baldwin? A Yes sir.
Q Was Martin ever married to any woman but you? A No sir.
Q He had no previous marriage? A No sir.
(1896 Roll, Page 216, #3304, Henry or Harvey Martin, Coowescoowee District)
Q When did you marry Harvey Martin? A In 1891.
Q How long did you live with him? A Six years.
(1896 Roll, Page 315, #681, Katy Martin, Coowescoowee District)
(1896 Roll, Page 216, #3305, ~~Eden~~ Jno. D. Martin, Coowescoowee District)
(1896 Roll, Page 216, #3306, Dora H. Martin, Coowescoowee District)

M. Daniels, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give me your full name? A M. Daniels.
Q What is your Postoffice? A Vinita.
Q Are you one of the witnesses here of the Cherokee Nation?
A Yes sir.
By Mr. J. L. Baugh, Cherokee Representative:
Q Were you acquainted with her (Katie Baldwin) husband, Harvey Martin? A Yes sir.
Q Was he recognized as a ~~citizen~~ Cherokee by blood? A I think he was admitted. He belonged to that Martin family that came from California: He was recognized while here as a Cherokee citizen by blood.
Q Do you know when he was admitted? A I do not.
Q Has he been admitted since 1880? A I understand he was admitted about 1890.

By the Commission:

Applicant recalled and examined by Commissioner, C. R. Breckinridge:

Q Do you know anything about your husband being admitted by the Cherokee Commission? A No sir; I do not.
Q Did he have a middle name? A His mother and father called him Harvey Jane.
The applicant now presents an official copy of an Act of the Cherokee Council, approved December 18th, 1890, showing that certain persons were admitted to citizenship; Among them appears the name of Nancy Martin, nee Taylor.
Q Was that your husband's mother? A Yes sir.
Q Was her maiden name Taylor as far as you know? A Yes sir.
And among her children, there appears the name of Harry C. Martin.
Q Did you husband have any brothers? A Yes sir.
Q What are their names? A Enos and John.
Q John Wesley Martin? A Yes sir.
Q And one more? A Yes sir.
Q What is his name? A Willie.
Q That was all, was it? A Yes sir.
The name of Harry C. Martin appears in the official document presented, and in the family connection stated by the applicant.

Q Now you say you married your husband in 1891? A Yes sir.
Q Did he live with you continuously until you separated from him in the Cherokee nation? A Yes sir.
Q Where were you from the time you married him? A In the Territory and with my father.
Q You say you were with your father? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Have you been in the Cherokee nation ever since you married your husband in 1891? A Yes sir.
Q Both of these children were born while you and your husband were living together, were they? A Yes sir.

William R. Hendrix, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your full name? A William R. Hendrix.
Q How old are you A Sixty six.
Q What is your Postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation?
A Twelve or thirteen years.
Q Do you know the applicant here? A Yes sir; she is my daughter.
Q She has been married before, has she not? A Yes sir.
Q What was the name of her former husband? A He told me his name was Harvey Clay Martin, and I went and got the license.
Q You have not that license, have you? A No sir.
Q In what year were they married? A 1890 or 1891, I think.
Q How long did they live together as husband and wife?
A Five or six years; something like that; until he was arrested and sent to the Leavenworth penitentiary; They lived together and lived at my house.
Q Had he ever been married before? A I can not say.
Q You have no knowledge of that fact? A No sir.
Q You never heard of his being married before? A No sir.
Q Your daughter never was married before? A No sir.

Applicant recalled:
The applicant applies for the enrollment of her two children; Her husband is identified with reasonable certainty in the official document cited in the testimony, as having been admitted to citizenship by the Cherokee Council in 1890. The applicant states that she married him in 1891, and she is identified with him on the roll of 1896; She states that they lived together for six years in the Cherokee Nation, where she continues to reside. The two children born to them are identified on the roll of 1896, and are living now. For further consideration of the case, this app-

[illegible]

[illegible]

[illegible]

R R Crawford

Subscribed and sworn to before
me this 9th day of October, 1900.

[illegible]

CONCLUSION.

"R"

D 537

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of John D. Martin, for the enrollment of himself and sister as citizens of the Cherokee Nation:

The applicant's mother, Katy Baldwin, was notified by registered letter on February 12, 1902, that the application for the enrollment of her two children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that she could on said date appear either in person or by attorney, and introduce any further testimony affecting her application.

She has been called three times, this day, to-wit: the 1st day of March, 1902, and failing to respond either in person or by attorney, it is directed that the case be closed, and the same reported to the Commission for final decision: based upon the evidence now of record.

Commissioner.

C0537

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2 1903

CHAIRMAN.

Cher
Supp'l to D 537

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 24, 1903.

In the matter of the application of HARVEY MARTIN, for the enrollment of himself as a citizen by blood, and his wife KATY MARTIN, as a citizen by intermarriage, of the Cherokee Nation:

Appearances:
J. C. Starr, for the Cherokee Nation:

CHARLOTTE TAYLOR, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Charlotte Taylor.
Q How old are you ? A Thirty eight.
Q What is your post office ? A Vinita.
Q Are you a Cherokee by blood ? A Yes sir.
Q Were you admitted to citizenship in the Cherokee Nation ?
A Yes sir.
Q When ? A In the year 1890.
Q Under what name were you admitted ? A Charlotte Moore.
Q Was that your maiden name ? A No sir.
Q What was your maiden name ? A Martin.
Q Do you know Harvey Martin ? A Yes sir he's my brother.
Q How old is he ? A Why I don't just remember his age exactly there's so many of us children, but I think he is twenty five.
Q He is more than that isn't he, he's about thirty ?
A I shouldn't wonder but what he is.
Q Where is he living now ? A He is at the present time in California.
Q Was he admitted at the same time you were ? A Yes sir.
Q In 1890 ? A Yes sir.
Q What was your mother's name ? A Nancy Martin at the time.
Q Was she admitted along with all of you ?
A Yes sir; her name is Nancy White now.
Q But she was admitted under the name of Nancy Martin ?
A Yes sir.
Q You had some brothers other than Harvey ? A Yes sir.
Q Did you have a sister named Rebecca ? A Yes sir.
Q And a brother named William W ? A Yes sir.
Q Have a brother named Henry ? A No sir.
Q Does your brother Harvey have any middle name ? A Yes sir.
Q What is it ? A Harvey Clay.
Q Have one named Ennis ? A Yes sir.
Q One named John Wesley ? A Yes sir.
Q A sister named Mary ? A Yes sir.
Q One named Harriet ? A No sir, Julia Ann, they got that wrong; that's what has bothered her I guess. Her name is Julia Ann.
Q What was your oldest sister's name ? A Mary Jane.
Q Was she admitted then ? A Yes sir.
Q Was William older than Harvey ? A Yes sir.
Q Did you ever think this Henry C., was meant for Harvey C ?
A Yes sir.
Q Was he ever known as Henry ? A No sir he never was known by that name.
Q Do you know if he was admitted under the name of Henry C ?
A No sir he was admitted by the name of Harvey. There was some mistake made about that time, the girls put the names down at Tahlequah I understood.

Q Did you and your mother and brothers and sisters, including Harvey--were you all admitted at the same time ? A Yes sir.
Q You never had a brother named Henry ? A No sir.
Q Now where has your brother Harvey been living since he was admitted in 1890 ? A He was living here the biggest part of the time until he got into trouble.
Q When did he come to the Cherokee Nation ? A When I come.
Q What year ? A In 1890.
Q The same year you were admitted ? A Yes sir.
Q What time of the year did you come ? A Let's see, it was in April I think.
Q April following ? A No sir, it was in April we came.
Q You were admitted in December ? A It was before then, we come four or five months before we was admitted.
Q You say Harvey came along with you at that time ? A Yes sir.
Q How long did he continue to live in the Cherokee Nation ?
A He lived here until he got into trouble.
Q How long is that ? A Its been about four years ago.
Q He lived continuously in the Cherokee Nation from 1890 up to about four years ago did he ? A Yes sir.
Q Well, what happened to him four years ago ?
A Why him and Mr. Burns had some trouble arresting a fellow, and nearly got shot, and from what I can understand they scared him away from here..
Q Where did he go ? A Down in the Cherokee Nation here herding cattle, and in the Choctaw Nation, and first one place and another.
Q Where is he now ? A In California.
Q How long has he been there ? A About two years.
Q Up to two years ago did he stay in the Territory ?
A Yes sir.
Q You are sure of that ? A Yes sir, I got letters from him.
Q This trouble was about four years ago ? A Yes sir.
Q About 1899 ? A I think it was.
Q Or was it in 1898, do you know which year it was ?
A It was in 1898, I think.
Q What time in 1898 ? A It was along in the summer time.
Q In July ? A I think it was; it was in hot weather.
Q He went from here to the Choctaw Nation ?
A Yes sir, and down in the Creek Nation.
Q He stayed there until about two years ago ? A Yes sir.
Q What is he doing in California ? A Why he is working on a farm there.
Q Has he ever made any application for enrollment here ?
A Yes sir.
Q When did he make it ? A He sent money here to lawyers to keep him on the roll and keep him straight.
Q What lawyers ? A Sequichie for one.
Q He has never made application for himself personally, has he ?
A Yes sir.
Q Where did he make application ? A At Tahlequah.
Q Do you know how long ago ? A Its been about three years ago or four.
Q How do you know his wife Katy ? A Yes sir.
Q When did he marry her ? A I can't tell you; I know when they were married; I know when they come to our house, but I can't tell you when they was married.
Q But you know about the time don't you ? A Its been about six years ago I think.
Q About six years ago ? A I think so.
Q Where were they married ?
A Well, I don't know; I never seen the marriage certificate, and I never heard much about it; I don't know.

Q Well, do you know of your brother's whereabouts from 1890 up ?
A Yes sir all the time.
Q But you don't know when he was married ?
A No sir, I don't know what month, its been about six years ago I guess; along about that time.
Q Katy is a white woman is she ? A Yes sir.
Q Do you know if your brother had ever been married before he married this girl ? A No sir, he never was.
Q She was his first wife ? A Yes sir.
Q Do you know if Katy had ever been married before ?
A No, she never had, I think.
Q You didn't know her until you met her as your brother's wife ?
A I just knew of her. I was only slightly acquainted with her.
Q Is she out there with your brother ?
A I don't know, I aint seen her for about two years.
Q You don't know if they are living together ?
A They are not living together, she's living with another man.
Q When did they separate ? A About five years ago.
Q They lived together about a year ? A About two years, I think.
Q Then they separated ? A Yes sir.
Q That was before he got into trouble ? A Yes sir, before he had this other trouble.
Q What was the cause of that separation ?
A Well I don't know exactly.
Q You don't know anything about it ?
A I don't know any of the particulars.
Q Which one left home ? A Why she left him and went with Mr. Baldwin, and went with the man she is living with now.
Q Left your brother's home and went with this man ?
A Yes sir.
Q Have they been divorced ? A Not that I know of; he has never been notified of the matter.
Q She is living with this man Baldwin ? A Yes sir.
Q And has been since her separation from your brother ?
A Yes sir.
Q Have they any children ? A They have two.
Q What are their names ? A Johnnie De Lossie and Florie.
Q Where are they living ? A They was with Mr. Hendricks, her father, the last time I heard of them.
Q Have they been living with him since their parents' separation ?
A Mr. Hendricks told me he was going to take care of them, and get their land for them, but I don't know whether he did or not.
Q They are not living with their mother ? A No sir, she gave them to me once, and then took them away from me.
Q Was that after the separation ? A Yes sir.
Q Now who is John D. Martin ? A My brother.
Q How old is he ? A Why he would have been twenty four years old if he had lived.
Q I am talking of a child named John D. Martin ?
A That was my brother.
Q And Dora ? A Dora is Harvey's little daughter.
Q I thought you said her name was Flora ? A It was Dora.
Q So that your brother Harvey has two children named John D. Martin and Dora Martin ? A Yes sir.
Q They are children of Katy ? A Yes sir.
Q Do you know how old these children are now ?
A Why I think John D., would be about six years old.
Q Dora is younger ? A Yes sir.
Q Were these two children born while Harvey and Katy were living together as husband and wife ? A Lossie was.
Q When you say Lossie you mean John D ? A Yes sir.
Q

Q What about Dora, when was she born ?
A Why she was born after his absence.
Q How long had he been gone when this child was born ?
A Why he--I don't know exactly.
Q You don't know that ? A No sir.
Q Was it a year or more ? A It was while he was in Leavenworth.
Q You don't know how long he had been gone ? A No sir.
Q Now, after the separation between Harvey and his wife Katy, these two children were given to you ? A Yes sir, she gave them to me herself.
Q How long did they stay with you ? A About a month.
Q Then she took them away ? A Yes sir. She and her father come and took them out of my arms.
Q What is her father's name ? A I don't know his name.
Q Is he a white man ? A Yes sir.
Q He is not a citizen ? A No sir.
Q Where is he living ? A I don't know where he is living now, I think he is living on Paw Paw now.
Q He lives in the Cherokee Nation ? A Yes sir.
Q And has for a good many years ? A Yes sir.
Q You say these two children ever since they were taken away from you have been living with Mr. Hendricks ?
A From all reports they have been, he said they were with him the last time I saw him.
Q Now, has your brother's wife married this man Baldwin ?
A I don't know.
Q Does she go by his name ? A I think she does.
Q You don't know if Harvey and Katy were divorced ?
A No sir. He got a letter from Mr. Hendricks, that, if he come back here the marshals would catch him, and he had better stay out there, and he sent me the letter to find out for sure if he was safe in coming here or not.

Examined by J. C. Starr:

Q What sort of trouble was it that your brother Harvey got into with Mr. Burns ? A Why Mr. Burns shot Mr. Crittenden and killed him.
Q How long after this man was killed before Harvey Martin left the country ? A About two months.
Q Don't you know that was in 1897 ? A Well, I think it was; yes it was in 1897.
Q He has been gone ever since then, has he ?
A Yes sir, he's been gone from home ever since then.
Q Well, where has he been since that time ?
A He was part of the time in the Creek Nation.
Q Whereabouts in the Creek Nation ? A Why he was down here about--he was in South McAlester a while, and then--
Q Well, how long did he stay there ? A Off and on a year.
Q Who did he stay with down there ?
A With me some of the time.
Q Were you living in the town of South McAlester ?
A I was working there a while, and he stayed around close to where I was.
Q How much of the time would he spend in South McAlester ?
A Not so very long; he was in and out there and at different places he was herding cattle and riding around.
Q How long has he been in California ?
A He has been out there about two years I think.
Q How long did he live with this woman Katy Martin after he married her ? A He lived with her two years steady to my knowing.
Q How long had he been living with her when this eldest child John D. Martin was born ? A About four or five months.

Q Well, after the birth of John D., how long did he live with her ?
A Well they didn't live together very much.
Q Where did he go after that ? A He was to my house on Paw Paw.
Q You spoke of being in Fort Leavenworth, what was he doing up there ? A There was some fellows stole some stock and they got some evidence against my brother and sent him to Leavenworth.
Q How long was he sent ? A Two years.
Q When was he sent; how long after the birth of this oldest child ? A About a year I think.
Q Did he live with this woman Katy any after this oldest child was born ? A Yes sir.
Q How long afterwards ? A Why he lived with her up to the time he was sent to the penitentiary.
Q He was sent up there for two years ? A Yes sir.
Q Well how long had he been back when he got into this trouble with Burns ? A He had been back pretty near a year I think. They deputized him and took him as a deputy marshal.
Q Now when was it Harvey Martin was down there where you was at South McAlester, and how long did he stay there ?
A Why its been three or four years ago I was down there.
Q How long did you stay there ? A I stayed there two or three months.
Q And he come down there while you were there ? A Yes sir.
Q Well, did he stay at any one place any length of time ?
A Yes sir, he worked at the mines, and drove cattle, and went out west, and kept going out working at different places.
Q Isn't it a fact that he was scouting from the officers and come in to see you, and was dodging them ?
A I expect likely, as much as anything else.
Q That was the nature of his residence there, he couldn't stay there any length of time ? A No sir.
Q He was afraid the officers would get him ? A Yes sir.
Q He would just come in there as he could get a chance, and would skip out again ? A Yes sir.

Examined by the Commission:

Q Do you remember when he was sent to the penitentiary, what year ?
A I have got it on letters I got from him; I don't remember just what year it was.
Q How soon after he had gone to the penitentiary was it this child Dora was born ? A Why I don't know; I can't tell you.
Q Well, is there any doubt about Dora being his child ?
A Why I don't know; that's a question I can't answer.
Q Have you ever heard it doubted ? A She said it wasn't his.
Q She said it wasn't his ? A Yes sir, when she come and took it out of my arms.
Q Well now, aren't you mistaken about the date of that marriage ? Didn't that marriage take place in 1891, a year after your brother came to this country ?
A No sir, it was a couple of years afterwards.
Q In 1892 then ? A Yes sir.
Q His wife Katy testified that they lived together six years ?
A Well, they didn't.
Q You know that to be so ? A Yes sir, because they was at my house most of the time they was living together.
Q How long did they live together ? A Why I don't believe they lived together a year altogether.
Q That is they didn't live together, they weren't constantly together, but did they separate within six years after they were married ? A They were together off and on for about a couple of years, and when he come back from the penitentiary he tried to live with her, and this Baldwin wouldn't let him.
Q Well, did they live together up to the time he was sent to the penitentiary ? A Only off and on.

Q That is, they were not separated, were they ?
A No, they wasn't really separated.
Q They were still living together as husband and wife ?
A Yes sir.
Q Although not together constantly; but they had not broken off the relations of husband and wife had they, until after he had gone to the penitentiary ? A No sir.
Q What evidence have you that your brother is living now ?
A Why I got a letter from him a few days ago.
Q His wife Katy, who applies for these two children, says that she thinks he is dead ?
A Oh no, no sir he is not dead, he will be here in a day or two now.
Q Will he ? A Yes sir.

By the Commission: Well he will have to come in himself and testify in this case.

A He will be here if no bad luck happens to him.

By the Commission: It is ordered that a copy of this testimony be filed with and made a part of the record in Cherokee D 537.

---

W. 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.

W. C. Bagwell.

Subscribed and sworn to before me this March 31, 1903.

Samuel Foreman

Notary Public.

IN THE MATTER OF THE APPLICATION OF

John R. Martin Trd

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(1) Original testimony of 10/5/00.

(2) Memo. of application of 10/5/00

Notice of final consideration 3/1/02

Transferred to Cherokee 11-19-02

Cher D 538

D538

Department of the Interior.
Commission to the Five Civilized Tribes.
Bartlesville, I. T., October 8, 1900.

In the matter of the application of Joseph S. Bean for the enrollment of himself, wife and three children as Cherokee citizens; he being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Joseph S. Bean.
Q How old are you? A I am about 40 years old.
Q What is your postoffice? A Ramona.
Q What is your district? A Cooweescoowee.
Q Who is it you want to put on the roll? A Myself, wife and three children.
Q You apply for yourself as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A Don't know exactly.
Q Is your wife a white woman or a Cherokee? A White woman.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Never lived outside of it? A Not for any length of time, been out some.
Q Only on visit? A Yes sir.
Q What is your father's name? A William Bean.
Q Is he dead or alive? A Dead.
Q How long has he been dead? A Died in about '60.
Q What is your father's name? A Jane Bean.
Q Is she dead or alive? A Dead.
Q When did she die? A In '67.
Q Give me your wife's name? A Sarah Bean.
Q How old is she? A She was born in June, '77; about 23 years old.
Q What was her father's name? A William Evans.
Q What was her mother's name? A I don't know her given name.
Q Is her father dead or alive? A Alive.
Q Her mother's dead? A Yes sir.
Q Your wife's maiden name was Evans? A Yes sir.
Q Was she ever married until she married you? A No sir.
Q Have you a certificate of your marriage? A Yes sir.

The applicant presents an illuminated certificate of his marriage to his wife as stated by him, at Independence, Kans., on the 27th of September, 1894, by Daniel Cline, Probate Judge, This is returned to him.

Q Your wife has lived with you ever since your marriage? A Yessir.
Q Give me the names of your children? A Albert Bean.
Q How old is that child? A 5 years old.
Q What is the name of your next child? A Mark Bean.
Q How old is he? A 3.
Q Name of next child? A Ruby Bean.
Q A girl is it? A Yes sir.
Q How old? A She's about 8 months old.
Q These children are all living now, are they? A Yes sir.

1880 roll; page 71, #316, Jo S. Bean, Cooweescoowee.
1896 roll; page 116, #533, Joseph Bean, "
1896 roll; page 296, #141, Sada Bean, "
1896 roll; page 156, #524, Albert Bean, "

Q You were never married except to this wife? A Yes sir.
Q When were you married before? A In '74.
Q To whom were you married then? A I married a woman by the name of Ward.
Q Is she dead or alive? A She's alive.
Q How long did you live with her? A I lived with her from '74 to about '87, I reckon.
Q Did you get a divorce from her? A(No answer.)

Q Have you a copy of the decree of the divorce? A No sir, I have it at home.

Representative W. W. Hastings, of the Cherokee Nation:

Q Where did you get the divorce? A Claremore.
Q Did she sue you or you sue her? A She sued me.
Q She got the divorce? A Yes sir.
Q She's alive now? A Yes sir, I think so.
Q Did she ever marry anymore? A No sir.

Commission:

The applicant applies for the enrollment of himself, wife and three children. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life. He is shwon to have married his wife in 1894. She is a white woman. They have lived together ever since their marriage and she is identified with him on the roll of 1896. Their child, Albert, is identified with his parents on the roll of 1896 and is living at this time. The applicant needs to present a copy of the decree of divorce from his first wife, in order to simplify the record. The applicant and his wife and his child, Albert, will all be placed upon a white card until the Commission is supplied with the decree of divorce. And the two younger children will also be placed upon the same card, when the Commission is supplied with certificate of their birth. All that is needed in this case for the straight carding of all the family is a copy of the decree of divorce from the first wife. That does not effect the applicant's right to enrollment, but for the present his name is kept with that of his wife and children.

E. G. Rothenberger, being first duly sworn, states that as stenographer to the Commissionto the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 8th day of October, 1900.

C. R. Breckinridge
Commissioner.

"T"
B 518

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Joseph A. Boam, for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation, would be taken up by the Commission for final consideration, at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that he could on said day appear in person or by attorney and introduce any further testimony affecting his application.

The case has this day, to-wit: the 1st day of March, 1902, been called, and the applicant failing to respond either in person or by attorney, it is directed that the same be closed, and reported to the Commission for final decision based upon the evidence now of record.

_____

Commissioner.

Char
Supp'l to # D 538

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of JOSEPH S. BEAN, for the enrollment of himself and his children, ALBERT, MARK, RUBY and DENNIS B. BEAN, as citizens by blood, and his wife, SARAH BEAN, as a citizen by intermarriage, of the Cherokee Nation:

SARAH BEAN, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Sarah Bean.
Q How old are you ? A Twenty five.
Q What is your post office address ? A Ramona.
Q Are you a white woman ? A Yes sir.
Q You are claiming as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q What is your husband's name ? A Joseph S. Bean.
Q Is he a Cherokee by blood ? A Yes sir.
Q How long has your husband been living in the Cherokee Nation ?
A All his life.
Q When were you married to him ? A In 1894.
Q Are you his first wife ? A No sir.
Q How often had he been married before he married you ?
A Once.
Q Was his first wife dead when he married you ? A No sir.
Q Were they divorced ? A Yes sir.
Q What was his first wife's name ? A Nvaline Ward.
Q When were they divorced ? A In 1894, I think.
Q What time in 1894 ? A I can't tell you.
Q Did he get his divorce before he married you ? A Yes sir.
Q Do you know in what court they were divorced ? A No sir.
Q How do you know they were divorced ?
A He said they were.
Q You were never married before ? A No sir.
Q Have you and your husband been living together in the Cherokee Nation ever since your marriage in 1894 ? A Yes sir.
Q Never been separated ? A No sir.
Q Living together on the first day of last September, were you ?
A Yes sir.
Q Your husband hasn't made his home outside the Cherokee Nation since you were married ? A No sir.
Q How many children have you ? A Four.
Q Are they all living ? A Yes sir.

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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 October 29, 1902.

V. B. Jones
Notary Public.

Cherokee D 538

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

In the matter of the application of Joseph S. Bean for the enrollment of himself and his minor children Albert, Mark, Ruby and Dennis B. Bean, as citizens by blood, and for the enrollment of his wife Sarah Bean, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 8, 1900, Joseph S. Bean appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself and his minor children Albert, Mark and Ruby Bean, as citizens by blood, and for the enrollment of his wife Sarah Bean, as a citizen by intermarriage of the Cherokee Nation.

The evidence in this case shows that Joseph S. Bean, after having secured a divorce from a former wife, married Sarah Bean, a white woman, on the 27th day of September, 1894, in accordance with the laws of Kansas. Joseph S. Bean is identified on the Cherokee Authenticated Tribal Roll of 1880, as a native Cherokee, and has lived in the Cherokee Nation all his life. Sarah Bean and Albert Bean are identified on the Cherokee Census Roll of 1896. Sarah Bean has lived continuously in the Cherokee Nation since her marriage to Joseph S. Bean. Mark Bean and Ruby Bean are identified by certificates of birth. Subsequent to the application there was filed with this Commission, on the 21st day of April, 1902, an affidavit of birth, wherein it is shown that Dennis B. Bean was born to Sarah Bean, the lawful wife of Joseph S. Bean. Therefore Dennis B. Bean becomes an applicant in this case.

It is, therefore, the opinion of this Commission that Joseph S. Bean and his minor children Albert, Mark, Ruby and Dennis B. Bean, should be enrolled as citizens by blood, and that Sarah Bean should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

Cherokee D-538.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph S. Bean for the enrollment of himself and his minor children, Albert, Mark, Ruby and Dennis B. Bean, as citizens by blood, and for the enrollment of his wife Sarah Bean, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 8, 1906, Joseph S. Bean appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself and his minor children, Albert, Mark and Ruby Bean, as citizens by blood, and for the enrollment of his wife, Sarah Bean, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1908.

The evidence in this case shows that Joseph S. Bean, after having secured a divorce from a former wife, married Sarah Bean, a white woman, on the 27th day of September, 1894, in accordance with the laws of Kansas. Joseph S. Bean is identified on the Cherokee Authenticated Tribal Roll of 1880, as a native Cherokee, and has lived in the Cherokee Nation all his life. Sarah Bean and Albert Bean are identified on the Cherokee Census Roll of 1896. Sarah Bean has lived continuously with her said husband, Joseph S. Bean, in the Cherokee Nation up to and including September 1, 1902. Mark Bean and Ruby Bean are identified by affidavits of birth. Subsequent to the application there was filed with this Commission, on the 21st day of April, 1902, an affidavit of birth, wherein it is shown that Dennis B. Bean was born to Sarah Bean, the lawful wife of Joseph S. Bean. Therefore Dennis B. Bean becomes an applicant in this case. Said affidavits of birth are made a part of the record herein.

It is, therefore, the opinion of this Commission that Joseph S. Bean and his minor children, Albert, Mark, Ruby and Dennis B. Bean, should be enrolled as citizens by blood, and that Sarah Bean should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Acting Chairman.

T. B. Needles
Commissioner.

[illegible]
Commissioner.

Entered at Muskogee, Indian Territory,

this NOV 20 1902

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

IN REPLY TO THE FOLLOWING
Cherokee D 538.

Muskogee, Indian Territory, August 13, 1902.

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

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Joseph S. Bean for the enrollment of himself and his minor children, Albert, Mark, Ruby and Dennis B. Bean, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Sarah Bean, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 19.

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

Cherokee D-538.

Muskogee, Indian Territory, November 26, 1902.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Joseph S. Bean for the enrollment of himself and his four minor children, Albert, Mark, Ruby and Dennis B. Bean, as citizens by blood, and for the enrollment of his wife, Sarah Bean, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in 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,

Acting Chairman.

Enc. H-187.

IN THE MATTER OF THE APPLICATION OF

Joseph [illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original petition of 10/8/00

B Memo. of application of 10/8/00.

C Certified copy of decree of divorce.

D Birth certificate Mark Bean,

E Birth certificate Ruby Bean.

F Notice of final consideration, 3/1/02

Application Dismissed

Cher D 539

ARTMENT OF THE INTERIOR
ON TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 9 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T. October, 8th 1900.

In the matter of the application of Marcus Maxwell for the enrollment of himself and wife as Cherokee citizens. Marcus Maxwell being duly sworn by Commissioner Breckinridge testified as follows:

Q. How old are you? A. 53.
Q. What is your post office? A. Geffeyville, Kansas.
Q. What district do you live in? A. Cooweescoowee.
Q. Who is it you want put on the rolls? A. Myself and wife.
Q. Are you a Cherokee by blood? A. Yes sir.
Q. What is your wife? A. A white woman.
Q. How long have you lived in the Cherokee Nation? A. Borned in the Cherokee Nation.
Q. Have you lived here all your life? A. No sir.
Q. How long have you lived here? A. 7 years.
Q. Have you lived here continuously for the past 7 years? A. Yes sir
Q. Where were you living before that time? A. Indiana.
Q. How long were you absent from the Cherokee Nation before this 7 years that you have been living here? A. Went away in 1864.
Q. And staid away until 7 years ago? A. Yes sir.
Q. Then you are not on the roll of 1880? A. No sir.
Q. Were you admitted to citizenship in the Cherokee Nation by the Cherokee Council or Commission when you came back? A. Yes sir.
Q. Have you a certificate as to that fact with you——show it to me.
A. I haven't it with me
Q. Have you it at all? A. Yes sir, my brother has it at Muggs.
Q. What year was it that you claim to have been re-admitted by the Cherokee Commission? A. In 1889 I think.
Q. Give me your wife's name please? A. Serena C. Maxwell.
Q. How old is your wife? A. 49.
Q. Have you your marriage license and certificate with you? A. Applicant here produces a marriage license issued by the Clerk of the United States Court for the Northern District of the Indian Ter. on April 27th 1896, authorizing his marriage to Miss Serena C. Edwards: the certificate shows that they were married on the 10th of May of the same year. This is filed herewith.
Q. Your wife has lived with you ever since she has been married to you has she? A. Yes sir.
Q. And you have both lived in the Cherokee Nation ever since? Yes sir
1896 Roll, page 879, No. 1150, Marcus Maxwell, Illinois Dist. N. C.
1896 " " 932, " 135, Serena Maxwell, " " INTERMARRIED
The applicant is identified on the 1896 roll as a native Cherokee; he claims to have been admitted by the Cherokee Council or Commission in 1889, and to have lived in the Cherokee Nation for the past 7 years. He does not produce a certificate of admission at this time, and awaiting the producing of such certificate he will be placed on a DOUBTFUL CARD as a Cherokee by blood. His wife was married to him in 1896 and has lived with him ever since said marriage and in the the Cherokee Nation, but the marriage was after the year 1895 when the law was passed by the Cherokees prohibiting citizenship by intermarriage, therefore the application for her enrollment as an intermarried citizen is refused.

Chas. von Weise, having been first duly sworn upon his oath states that he is stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this the 9 day of October, 1900.

Commissioner.

"R"

D 539

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Marcus Maxwell, for the enrollment of himself as a citizen of the Cherokee Nation:

Appearances:
Applicant present in person;
W. W. Hastings, for the Cherokee Nation.

Applicant was notified by registered letter on February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 1st day of March, 1902, at its offices in Muskogee, Indian Territory.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st day of March, 1902, appears in person.

MARCUS MAXWELL, the applicant herein, being sworn and examined, testified as follows:

Q What is your name ? A Marcus Maxwell.
Q How old are you ? A 54 my last birth-day.
Q What is your post office address ? A Coffeyville, Kansas.
Q You are an applicant before this Commission for enrollment as a citizen of the Cherokee Nation ? A Yes sir.
Q Where were you born ? A At Fort Gibson.
Q In the Cherokee Nation ? A Yes sir.
Q How long did you continue to live there after your birth ?
A Until 1864.
Q Did you leave Fort Gibson in 1864 ? A Yes sir.
Q Where did you go to ? A To Indiana.
Q How long did you remain there ? A Until 1889.
Q You remained there until 1889 ? A Yes sir.
Q Then where did you go ? A Come to the Territory.
Q How long did you remain here ? When you came here in 1889 how long did you remain here ? A After I get a place and everything fixed I went back to Indiana in February.
Q What time in 1889 did you come here ? A The 22nd day of November.
Q And remained until February, 1890 ? A Yes sir.
Q Ten you went back to Indiana ? A Yes sir.
Q How long did you remain there ? A Until 1893.
Q Then where did you go ? A Come to the Territory.
Q Were you admitted to citizenship in the Cherokee Nation ?
A Yes sir.
Q When was that ? Do you remember the exact date ?
A In 1888 I believe.
Q You were living in Indiana when you were admitted ?
A Yes sir till I come here.
Q When you were admitted were you living in Indiana or the Indian Territory ? A In Indiana I think.
Q You were admitted in 1888 ? A Yes sir.
Q What month ? A In November, I think. I aint certain. A year from the time I come to the Territory.
Q In November, 1889 you came to the Indian Territory ? A Yes sir.
Q Have you lived here continuously since you came here the last time in 1893 ? A Yes sir I have.
Q Are you certain as to the time of your return here in 1889 ? Are you certain as to what month it was ?

A It was the 22nd of November.
Q That you came back to the Indian Territory ? A Yes sir.

Examined by Mr. Hastings:

That's when you came out here to apply for re-admission to citizenship ? A Yes sir. I had been admitted one year before that.
Q You came the following year ? A Yes sir.
Q How do you remember now that it was the 22nd day of November that you came here ? A That's the day we got into the Territory.
Q How do you remember ? A From my brothers.
Q Did they tell you that was the time ? A This brother was with me.
Q Is that the way you knew it ? A No, I knowed it myself.
Q Where were you on the 22nd day of the next November ?
A I was in Indiana.
Q Where did you buy a place ? A Near Braggs Station; about a mile from there.
Q Who from ? A His name was Gunter, I don't remember his name.
Q You don't remember his name ? How much did you give for it ?
A $100.00
Q Just bought a claim on the public domain didn't you ?
A No, he worked on it.
Q Did you put a renter on it ? A Oh no my brother stayed here.
Q You and your brother together bought a $100.00 place ? Is that the way of it ? A Yes sir. After I went back to Indiana I bought another place.
Q You came back in 1893 ? A Yes sir.
The Commission: Do you desire to make any further statement now about your application for enrollment ?
A No sir, I believe not.
Q Do you submit the case to the Commission for final consideration ?
A Yes sir.

--The applicant and representative of the Cherokee Nation present submit the case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

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R. 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.

R. C. Bagwell

Subscribed and sworn to before me this March 3, 1902.

M. L. Green
MP

Commissioner.

application of Marcus Maxwell for the enrollment of himself as a Cherokee citizen.

Appearances:
Applicant in person;
J.W. [illegible], attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February [illegible], that his application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the first day of March,1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 1st,1902, appears in person.

MARCUS MAXWELL, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Marcus Maxwell.
Q How old are you? A 34 years.
Q What is your post-office address? A Coffeyville, Kansas.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q Is there any further statement you desire to make relative to your enrollment? A No sir, I believe not.
Q You submit the case to the Commission for final consideration? A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered filed and reported to the Commission for final decision.

FILED
MAR [illegible] 1902

"R"

Cherokee D 539

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Marcus Maxwell for the enrollment of himself as a Cherokee citizen.

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

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the first day of March,1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 1st,1902, appears in person.

MARCUS MAXWELL, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Marcus Maxwell.
Q How old are you? A 54 past.
Q What is your post-office address? A Coffeyville, Kansas.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q Is there any further statement you desire to make relative to your enrollment? A No sir, I believe not.
Q You submit the case to the Commission for final consideration?
A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

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

M D Green

Subscribed and sworn to before me this March 5,1902.

Commissioner.

Cherokee D 839

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

In the matter of the application of Marcus Maxwell for the enrollment of himself as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 8, 1900, Marcus Maxwell appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902. The application also included his wife Serena C. Maxwell, but she is differently classified and is not embraced in this decision.

The evidence shows that Marcus Maxwell, among others, was re-admitted to citizenship in the Cherokee Nation on November 22, 1888, "provided, they returned to the Cherokee Nation within one year after the passage of the above named act." The evidence further shows that he returned to the Cherokee Nation on the 22nd day of November, 1889. He is identified on the Cherokee Census Roll of 1896, as a native Cherokee, and has resided continuously in the Cherokee Nation up to and including the date of this application since 1893.

It is, therefore, the opinion of this Commission that Marcus Maxwell should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 30 1902

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 3rd 1902.

In the matter of the application of Marcus Maxwell for enrollment as a citizen of the Cherokee Nation.

Cherokee D 539.

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The Cherokee Nation respectfully protests against the decision of the Commission to the Five Civilized Tribes rendered on September 20th 1902 and asks that the same be forwarded to the Honorable Secretary of the Interior for Review.

The testimony in this case shows that the applicant Marcus Maxwell was a resident of the State of Indiana and that he was readmitted to citizenship in the Cherokee Nation by an act of the National Council of the Cherokee Nation Approved November 23rd 1888 conditioned upon applicants return "To the Cherokee Nation within one year after the passage of the above named act."

The applicant made application on October 8th 1900 before the Commission at Bartlesville, Indian Territory at which time under oath he stated in answer to this question:

"Q How long have you lived here?"

A " Seven years."

"Q Have you lived here continuously for the past seven years?"

"A Yes sir."

" Q Where were you living before that time?"

" A Indiana."

" Q How long were you absent from the Cherokee Nation before this seven years that you have been living here."

"A Went away in 1864."

"Q And staid away until seven years ago?"

"A Yes sir."

It will be observed throughout the whole of his testimony given

at that time that there is not the slightest suggestion that he ever returned to the Cherokee Nation after his readmission prior to seven years before the date of his application or prior to 1893. He makes no refesnce whatever to it.. After he made application and after his name was placed upon a doubtful card and after looking up the act of the National Council readmitting him and finding in that certificate that there was a condition embodied in the law readmitting him requiring him to return and locate within the Cherokee Nation within one year thereafter and then and not until then or on March 1st 1902 eighteen months after the original application was made did Marcus Maxwell appear before the Commission and find out that he had returned to the Cherokee Nation on the 22nd day of November 1889. The closeness of the date of the expiration of the time is of itself sufficient to arouse uspicion and the Cherokee Nation submits that taking in to consideration all of these things particularly emphasizing the fact that in his original application he never hints of having seen the Cherokee Nation in 1889, That this applicant did not comply with the act readmitting him and is therefore not entitled to be enrolled as a citizen of the Cherokee Nation.

On March 1st 1902 the applicant brings no witnesses to prove that he came to the Cherokee Nation on the 22nd day of November 1889; he brings no witnesses to prove that he purchased a farm; he brings no bill of sale; from this man Gunter without a first name by which the representatives of the Cherokee Nation could identify him and contradict this testimony.

We submit that no jury on earth would admit this man upon this testimony at a trial upon the question of fact and we further submit that even if he came to the Cherokee Nation as he stated after having his memory refreshed by the necessity of the occasion, having seen the condition in the act readmitting him and only remained until the following February and then returned to the state of Indiana and did not come back until 1893 that under this state of facts he is not entitled because the law clearly contemplated not only his return but his permanent return and location within the limits of the Cherokee Nation within one year after the passage of the act readmitting him.

But to examine his first testimony there is not the slightest hint that he ever came to the Cherokee Nation before 1893 and taking into consider-

ation that he did not have his certificate of readmission with him and therefore in all likelihood did not know of the condition making it necessary for him to return within a year and that taking into consideration his subsequent testimony whereinhe claims to have come back to the Cherokee Nation on the very last day granted him and the fact that he introduces no proof whatever to corroborrate him the representatives of the Cherokee Nation contend is too flimsy to admit this applicant; that he must show that he was readmitted and that he complied with the conditions of his readmission. The only question in this case is has he complied with the conditions readmitting him.

We contend that his testimony clearly shows that he never removed to the Cherokee Nation until 1893 or five years after he was readmitted to citizenship in the Cherokee Nation.

Does it not look reasonable that in answer to all of the questions with reference to his return to the Cherokee Nation, when he was first upon the stand in October 1900 that he would have said something about his return in 1889 if he had come to the Cherokee Nation; but he says not a word and he never says a word about it until he was advised that it was necessary to prove it and then he brings no witness whatever to substantiate it.

We submit that the burden being upon the applicant and that in as much as the proof shows that he did not return to the Cherokee Nation until 1893 that under the law he is not entitled to be enrolled as a citizen of the Cherokee Nation.

Respectfully Submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Attest: F. V. Lara

Stenographer.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 8th 1902.

C. D. 539.

In the matter of the application of Marcus Maxwell for enrollment as a citizen of the Cherokee Nation by blood.

Motion to reopen case.

Comes now the ~~representative of the Cherokee Nation~~ Cherokee Nation and moves the Commission to reopen the above entitled cause in order that the Cherokee nation be permitted to introduce further testimony tending to disprove the right to the applicant to be enrolled as a citizen of the Cherokee nation and to show that the applicant did not comply with the terms of his readmission to citizenship in the Cherokee nation; that he did not locate within the limits of the Cherokee Nation. The Cherokee nation has witnesses at Braggs that it desires to introduce in this case by whom it expects to prove its contentions as above set forth..

For the reasons above stated the Cherokee Nation respectfully asks that the judgment in this case be set aside in order that a further hearing on the question of fact may be had.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 25th 1902.

In the matter of the application of Marcus Maxwell for the enrollment of himself as a citizen of the Cherokee Nation.

Cherokee D. 539.

United States of America,

Indian Territory

Western District SS.

J. C. Starr of lawful age being duly sworn on oath states that the motion ~~xxxx~~ to reopen the case of Marcus Maxwell for further hearing on the question of fact is not made for the purpose of delay but that justice may be done; that the Representatives of the Cherokee Nation expect to produce witnesses to disprove the applicants right to enrollment and to show that he has not complied with the provisions of the act admitting him; That he did not remove to and locate in the Cherokee Nation with the one year as required by said act.

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Subscribed and sworn to before me this 25th day of October 1902.

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Notary Public.

Cherokee R-539.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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| In the matter of the application of Marcus Maxwell for the enrollment of himself as a citizen by blood of the Cherokee Nation. | MOTION TO REOPEN CAUSE. |

STATEMENT OF RECORD.

The record in this case shows that on October 8, 1900, Marcus Maxwell appeared before the Commission to the Five Civilized Tribes, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1, 1902. On September 20, 1902 the Commission rendered a decision granting the application of Marcus Maxwell for the enrollment of himself as a citizen by blood of the Cherokee Nation.

On October 8, 1902, the Cherokee Nation by its representative, filed a motion to reopen the cause, in order that it might be permitted to introduce further testimony tending to disprove the right of the applicant to be enrolled as a citizen of the Cherokee Nation, and to show that he did not locate within the limits of the Cherokee Nation within the time prescribed in the act admitting him to citizenship in said Nation.

--------ORDER--------

It is, therefore, ordered by the Commission that the motion to reopen this cause, be, and the same is hereby allowed, and that the decision of the Commission heretofore rendered be set aside and held for naught.

It is further ordered that this cause be set down for further hearing at the offices of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on the 17 day of November, 1902.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this 1st day of November, 1902.

2.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 17th, 1902.

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In the matter of the application of Marcus Maxwell for the enrollment of himself as a citizen by blood of the Cherokee Nation.

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Supplemental to D-539.

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It appears from the record in this case that on September 20th, 1902, the Commission to the Five Civilized Tribes rendered a decision granting the enrollment of Marcus Maxwell as a citizen by blood of the Cherokee Nation.

It further appears that on the 29th day of September, 1902, a copy of said decision was forwarded to the attorney for the Cherokee Nation and he was notified that he would be allowed 15 days to file such protests as he desired to make to this action.

On October 8th, 1902, the Cherokee Nation filed a motion to reopen the case, alleging that the applicant did not comply with the terms of his readmission to citizenship in the Cherokee Nation.

On the first day of November, 1902, the Commission ordered that the motion of the Cherokee Nation to reopen this cause be allowed, and that the decision theretofore rendered be set aside and held for naught.

And it was further ordered that this cause be set down for hearing at the office of the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, on the 17th of November, 1902.

On the 3rd day of November, 1902, the applicant was furnished with a copy of said order and on the following day, to-wit: the 4th day of November, 1902, the Cherokee Nation was furnished with a copy of said order.

The applicant appears this day in person and the Cherokee Nation appears by J. C. Starr.

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The applicant, Marcus Maxwell, was recalled for further cross-examination and, being duly sworn, testified as follows:

Examination by J. C. Starr.

Q. What is your name? A. Marcus Maxwell.
Q. What is your age? A. 36 last--3rd day of last March.
Q. What is your post office? A. Coffeyville, Kansas.
Q. How long have you lived near Coffeyville, Kansas? A. 3 years.
Q. Where did you live before that? A. Braggs Station.
Q. How long did you live at Braggs Station? A. Well, that was--- I come there in '73, or '93.
Q. Comes to Braggs Station in '93? A. Yes, sir.
Q. Did you live at Braggs Station from 1893 up to 3 years ago?
A. Yes, sir.
Q. Where did you come from when you went to Braggs? A. Indiana.
Q. What town? A. Mitchell.
Q. What county is that in? A. Lawrence.
Q. When did you first come to the Cherokee Nation? A. In '89.
Q. What time in '89? A. In November.
Q. In November, 1889? A. Yes, sir.
Q. What time did you leave Indiana? A. When I started to the Territory?
Q. Yes. A. It was September.
Q. September, 1889? A. Yes, sir.

Q. Where did you start from? A. Started from Mitchell, Indiana.
Q. Did you live in the town of Mitchell? A. Yes, sir.
Q. How did you come to the Cherokee Nation from Mitchell?
A. On the river.
Q. In a boat? A. Yes, sir.
Q. Where did the land the first time? A. The first time?
Q. Yes. A. Oh, stopped at different places along the river.
Q. What river was it? A. Ohio.
Q. What was the first point in the Cherokee Nation that you struck? A. Down to Cherokee, I believe they call the station.
Q. That is what they call it now; close to Fort Smith?
A. Yes, sir.
Q. Did you come to that place in a boat? A. Oh, no.
Q. How did you get there? A. Come on the train.
Q. Where did you leave the river? A. At Fort Smith.
Q. When did you land in Fort Smith? A. I don't know just what day it was. In November, though.
Q. Was it before Thanksgiving in November, or after? A. Before.
Q. How long before? A. It must have been 8 or 10 days.
Q. How long did you stay in Fort Smith when you stopped there?
A. We come right up to Braggs.
Q. Did you stay over night in Fort Smith? A. I don't know just how long. After we come to Cherokee we come right to Braggs Station.
Q. I mean how long did you stay in Fort Smith? A. I don't remember.
Q. Did you stay there any length of time? A. No, not long.
Q. Did you stay there several days? A. No.
Q. Stay there one day? A. Yes, sir; stayed there one day.
Q. Where did you stay; that is, at whose house? A. We didn't put up to no hotel.
Q. Where did you stay? A. I believe we went to the wagon yard.
Q. Did any of the crowd have any household goods with you, or property? A. No, sir; it was just me and my brother.
Q. Don't you know how long you stayed in Fort Smith? A. No, sir.
Q. Two or three days? A. Yes, may be 2 or 3.
Q. How did you go over to Cherokee? A. I believe we walked over there and then took the train.
Q. Do you know what time in 1889 you landed in Fort Smith?
A. I don't remember just what day it was.
Q. Are you sure it was 1889? A. Yes, sir.
Q. How do you fix that time? A. Because I know it was.
Q. Have you got anything to refresh your memory so that you know it is in 1889? A. Why, yes.
Q. Was there anything that happened so that you can refresh your memory? A. I know it is that because that is the year I come here the first time.
Q. Where did you go from Cherokee? A. Went to Braggs Station.
Q. Where did you stop there? A. With my brother.
Q. Was your brother living there? A. Yes, he never left the Territory in the war. He never left the Territory at all.
Q. How long did you stay there at that time? A. To Braggs?
A. Yes. A. I lived there about--well, it is just before Christmas, about.
Q. Well, how long did you stay at Braggs after you come? A. I never noticed just how many days it was. I stayed there long enough to get a place and leave it with my brother.
Q. Then where did you go? A. Went back to Indiana.
Q. How long did you stay there? A. '93.
Q. How did you go? A. On the train.
Q. Where from? A. From Fort Smith.
Q. Went from Fort Smith to Indiana? A. Yes, sir.

Q. Where is this place located that you got in 1889?
A. East of Braggs; southeast of Braggs.
Q. How far? A. About a mile. A little bit over a mile.
Q. Did you own that place or did some one else own it?
A. I bought it from an old man down there?
Q. What did you give him for it? A. One hundred dollars.
Q. Did you get a bill of sale for it? A. Yes, sir.
Q. When was that bill of sale drawn; at that time? A. Yes, at that time.
Q. What was the man's name from whom you purchased the place?
A. Sanders.
Q. What Sanders? A. I can't think of his given name. He is right out there. You can soon find out.
Q. You don't know his given name? A. I know it but I can't think of it now.
Q. You bought a place from Sanders? A. Yes, sir; his name is Sanders.
Q. Where is he now? A. He is right out there.
Q. Is that the place that your brother occupies down there now?
A. Yes, sir; one of them has it.
Q. One of your brothers has that place now? A. Yes, sir.
Q. When did you come again after you went back that time?
A. In '93.
Q. Well, now, how many days were you here in 1889? A. I never took notice.
Q. Just made a trip here and went back? A. Yes, sir.
Q. How do you fix it that it was in November, 1889? A. Because I know that was the month I come in.
Q. You know you come in the month of November? A. Yes, sir.
Q. What time in November was it that you come to Braggs?
A. I don't remember just what day it was.
Q. You don't remember now when that was? A. No.
Q. You are satisfied it was in 1889? A. Yes, sir; I know it was.
Q. Is that all the purchase of property you made, that place in 1889? A. Yes, that is all the place I got just then.
Q. Did you buy that place yourself or just an interest? A. I bought that place myself and I bought another place after I went back.
Q. How long after did you buy the other place? A. It was in 1891, I believe.
Q. Did you pay cash for this place you bought in 1889? A. I paid cash for both of them.
Q. What became of the place you first bought? A. I let my brother have it.
Q. Did your brother have any interest in it at the time you first come here? A. We all, together.
Q. The purchase price of the place was $100? A. Yes, sir.
Q. How much of that money did you put in? A. I paid it all in the commencing.
Q. How did they acquire an interest in it? A. I let them have it.
Q. Did you buy it for yourself and brothers or for yourself?
A. No, sir; all.
Q. Who was living on that place? A. Dan Roach. That is the man I bought it from.
Q. I thought you said you bought it from a man by the name of Sanders? A. Did I say Sanders? Roach is his name. Dan Roach.
Q. Where did this brother live at that time? A. About a half a mile from the place I bought of Roach.
Q. How long had he been living there? A. Some 12 or 15 years. He had been in the Territory all his life.
Q. What time in November was it that you say you came to the Cherokee Nation? A. 22nd of November.

Q. How do you fix that date? A. Because I remember that is the date.
Q. Have you got anything to fix that date? A. Nothing at all that happened.
Q. You just remember it was the 22nd day of November, 1889?
A. I know that, yes.
Q. Did you come here to apply for readmission to citizenship before that? A. My brother was here.
Q. Well, did you ever make a trip here when you were applying for readmission? A. Not until I come with my brother, I didn't.
Q. That is the first time you came here? A. Since I left; yes, sir.
Q. When you were before the Commission for enrollment on October 8th, 1900, you said that you went away in 1864 and stayed away until seven years ago. Is that true? A. I came back before that. If I said that I made a mistake.

Examination by the Commission.

Q. You are positive that it was the 22nd day of November, 1889, that you came to Fort Smith, or that you come to the Cherokee Nation? A. Yes, sir; it was.
Q. Are you positive of that date? A. Yes, sir.
Q. Did you come before or after Thanksgiving? A. Why, before; of course.
Q. How long before? A. I don't know.
Q. Haven't you any idea how long it was before that time?
A. The 22nd you know that ain't many days before that.
Q. Well, how many days before Thanksgiving was it that you come to the Cherokee Nation, do you know? A. From the 22nd to the 28th, whatever Thanksgiving come on.
Q. Didn't you state the last time you appeared before this Commission in March, 1902, when you come to the Cherokee Nation you bought some property from a man by the name of Gunter?
A. That is the last I bought.
Q. Did you buy property before that? A. The Dan Roach place, yes.
Q. How much did you pay for that Dan Roach place? A. $100.
Q. How much did you pay Gunter? A. $150.
Q. Are you living in the nation at this time? A. Yes, sir.
Q. Living on this side of the Kansas line? A. A little bit over half a mile from the Kansas line.
Q. Living on a farm? A. Yes, sir.
Q. Have you been living there continuously for the past 3 years?
A. Yes, sir.
Q. Then you came in 1893, after you left here in 1889?
A. Yes, sir.
Q. You have never been back to Indiana? A. No, sir.

ARMSTEAD MAXWELL, being duly sworn, testified as follows.

Cross Examination
by
Mr. Starr.

Q. What is your name? A. Armstead Maxwell.
Q. What is your post office? A. Wann.
Q. What is your age? A. 60.
Q. Are you acquainted with Marcus Maxwell, the applicant in this case? A. Yes, sir.
Q. What relation are you to him? A. I am his brother.
Q. Do you know how long he has been living in the Cherokee Nation?
A. Yes, sir; I know when he come back.
Q. That is the last time? A. No, the first time. Well, I know when he returned both times.

Q. When did he return the last time? A. He returned last in '93.
Q. Where had he been living before that? A. He was out in Indiana.
Q. When did you come to the Cherokee Nation? A. Why, I been here all my life; never been out.
Q. Where have you been living most of the time? A. Well, I was raised at Fort Gibson. I lived there quite a while after the war and moved over on Greenleaf where Braggs Station is now.
Q. When did you move over there? A. I moved over there in '77.
Q? When did Marcus Maxwell come to the Cherokee Nation the first time? A. In 1889.
Q. How do you fix that date? A. How do I fix it.
Q. Yes, sir. A. Well, because he come to my house. He was at my house. He stopped there.
Q. What time of the year was it? A. It was sometime in November. I don't know just what time. It was in the month of November.
Q. How do you fix it in November? A. Well, the way I fix it he was readmitted by the council in 1888 and he was to return within 12 months and he come just a few days before that time expired.
Q. Where were you living? A. Living on Greenleaf.
Q. How long did he stay? A. He stayed two or three months. I don't remember just how long.
Q. Where did he stay? A. He stayed with me.
Q. Did he buy a place there on that trip? A. Yes, he bought a place a short time after he come in. I can't tell just how long. May be 10 days, may be 2 weeks.
Q. Who did he buy that place from? A. Bought it from Dan Roach.
Q. Did he buy it alone? A. There was two of them together. My understanding is they were in partnership. He was the man that paid for it. They made it up some way between them.
Q. He owned an interest in the place then? A. Yes, sir.
Q. Well, on what day in November was it he come to your house?
A. Why, I couldn't tell you just what day it was.
Q. Do you know it was in November? A. Yes, sir; I know it was in November.
Q. Are you positive it was in 1889? A. I know it was November because it was in time of council.
Q. Council is in December, is it not? A. Well, it used to go out in December.
Q. Was it before Thanksgiving that he come to your house?
A. I couldn't tell you anything about that.

Examination by the Commission.

Q. How long did he stay here when he come in 1889? A. He was there two or three months.
Q. Was he a married man at that time? A. No, sir.
Q. What was the doing prior to his coming from Indiana?
A. He went back to Indiana. I guess he was working on the railroad. He had some money to collect, that was coming to him.
Q. He was four years collecting that money, was he? A. No, sir; I don't know as he was.
Q. What was he doing when he went in 1889 and until he come back in 1893? A. He was working on the railroad.
Q. Was he keeping house? A. No, sir; he had no family.
Q. Are you positive he stayed three months? vA. Yes, sir.
Q. What did he do when he was here? A. He wasn't doing anything.
Q. Did he cultivate land? A. He bought that place, all right.
Q. Did he work it? A. No, sir; it was winter.
Q. Did he ever derive any revenue from that property?
A. Yes, sir; it was rented. The first year the other brother worked it.
Q. Was Marcus paid any rent for that land from 1889 to 1893?

A. Yes, sir. I know I rented it from him one year.
Q. Did they pay the rent to him? A. Yes, sir.
Q. Where has your brother been living since 1893? A. He lived there at Braggs a while.
Q. Has he been living in the Territory since that time?
A. Ever since he come back in 1893 he has been there until about three years ago, then he went to Cooweescoowee; been living down in Cooweescoowee district.

DAN ROACH, being duly sworn, testified as follows.
Cross Examination
by
Mr. Starr.

Q. What is your name? A. Dan Roach.
Q. What is your age? A. About 6o or 7o.
Q. What is your post office? A. Braggs.
Q. Are you acquainted with the applicant, Marcus Maxwell?
A. Well, I won't say I am well acquainted with him. I have seen him a good many times pass and repass about Braggs.
Q. When was the first time you ever saw him? A. Lets see. I am uncultivated and I am pretty old. I will have to study on that. I expect my wife has been dead 13 years. Well, betwixt 13 and 14 years ago. That is the first time I ever saw him.
Q. Where did you see him the first time? A. The first time I saw him I saw him at Braggs.
Q. What was he doing there? A. I ain't able to state what his business was. He come there at his brothers. He come there at Armstead Maxwell's. There was two of those brothers. Armstead Maxwell had been telling him about my place. He wanted it. He was at me to sell it. I told him I would sell it so I did so. I sold him my place.
Q. When did your wife die? A. Oh, well, she died I reckon about---I don't know. I am uncultivated. I can't recollect it. It must have been four or five months after, I sold him the place.
Q. Was it after you sold the place, or before? A. It was before.
Q. Was it as much as a year before you sold the place?
A. I guess so. I can't remember.
Q. Do you know exactly when your wife died? A. No, sir; I don't. That is what I tell you.
Q. Where were you living when your wife died? A. I was living at Greenleaf on the place I sold.
Q. How long had your wife been dead when you sold this place?
A. That is what I can't tell you. I ain't able to keep account. I been here in old slavery time.
Q. Who did you sell that place to? A. I sold it to Marcus Maxwell.
Q. Did you have any writing? A. I gave him a bill of sale for that place. He paid me $150 if I mistake not. Now, if I ain't mistaken I gave him a bill of sale for that place.
Q. Who drew that bill of sale? A. Afterwards he come and told me he lost that bill of sale, if I would give him another. So I went over and had another wrote and give him. What he done with the first one I ain't able to say.
Q. How long after that was it you drew the second one? A. After?
Q. After you made the first bill of sale? A. I don't know. To tell the truth about it I can't tell. It has been so long, Mr. Starr.
Q. Do you know when it was you sold him that place? A. No, sir; I couldn't tell exactly the time, but from the way I have talked with people, I heard people talking when my wife died and they said it was about 15 years. That is all I goes by. It has been

about 13 or 14 years when they bought that place. I think may be it was a year after ot a year and a half after she died. I am just guessing at it.

Q. You are not positive when it was? A. No, sir; I can't tell you.

Q. Was it before the strip payment? A. I don't know when the strip payment was.

Q. How long before? A. Well, I tell you I don't know when the strip payment was. Oh, yes. My wife died before the strip payment. Which payment do you call the strip payment?

By the Commission.

The big payment made to the Cherokees by blood? A. She died before.

By Mr. Starr:

Was it a great while before? A. I don't know. I want to tell the truth as near as I can. I am not able to tell you. You want the exact date. I can't do it, and my reason want let me.

Q. Was it before the strip payment you sold this place? A. Well, I disremember. I disremember. I sold my place. He gave me $150. I gave him a bill of sale.

Q. Who did you make the bill of sale to? A. To those two, Marcus and Charley. Me and Ar,stead lived close together. Only lived half a mile apart.

Q. You sold the place to both of them? A. One talked and the other give me the money.

Q. You made the bill of sale to both of them? A. Yes, sir. They said they lost it.

Q. You have no idea when it was? A. No, sir; I couldn't, to tell the truth about it.

C. L. MAXWELL, being duly sworn, testified as follows:

Cross Examination

by

Mr. Starr.

Q. What is your name? A. C. L. Maxwell.

Q. What is your post office? A. Braggs.

Q. What is your age? A. Why, there is a difference in the record. It was lost but I have always remembers that I was born in '57.

Q. Do you know Marcus Maxwell? A. Yes, sir.

Q. What relation is he to you? A. Brother.

Q. How long has Marcus Maxwell lived in the Cherokee Nation?

A. Well, now, after he went back to Indiana it was sometime that he was working at the railroad work there before he could leave there. I think he come here in '92 or 3 but I have no record of that. I know it was right along at that time.

Q. Where were you living at that time? A. Well, I was living here. I never was away only working at my trade in Arkansas and in Missouri.

Q. How long have you lived in the Cherokee Nation? A. I have lived here since I was readmitted. That is, I was born at Fort Gibson and when I was a little school boy, I was taken away from the school in '64.

Q. When did you come back? A. I come back a time or two to visit my brother Armstead. I couldn't give the times, but I was readmitted in '88. I have had my home here ever since I was readmitted. I haven't been here all the time.

Q. You were readmitted in 1888? A. 1888, when I was working with my brother to be readmitted, I made my home with my brother.

Q. How long did you stay there? A. I stayed there until the following year, then I went back to get my brothers. I went in the summer of '89.
Q. What time in the summer? A. In the summer is all I know.
Q. Do you know what months? A. I couldn't say. I know I get back to where he was working on the railroad in Indiana in September or October, along there.
Q. How did you go from here there? A. Well, I would work at my trade in one town, then take the train and go to some other point.
Q. Do you know what month it was you left here? A. No, I don't. I know it was about the middle if '89. I agreed to be back, under the Cherokee law--he made arrangements to be her in a certain time after we were readmitted.
Q. When did you get there? A. In September or October. I know it was in the fall of 1889. After I saw him I went and saw my brother that is medical dean of the Normal or Lebanon University.
Q. Which brother is that? A. B. F. I went to see my brother in the university.
Q. Did he come? A. No. He had me give him a map of the land and he said I could get it for him and he said he couldn't come but he could get it through us, get the land and we could all hold our rights in that way. That is all the way he could figure it. He was medical dean and couldn't come.
Q. Marcus is your brother? A. Yes, sir.
Q. When did you see him in the fall of 1889? A. I saw him first. He was at Mitchell or Bedford, the county seat. He was working at Mitchell and Bedford on the rialroad.
Q. What railroad was he working for? A. L.& A.& C. That is Louisville, Alton and Chicago. They used to call it the long, akward and crooked. And the O. & M. I would state to the best of my knowledge, he being at Bedford, I know he must have been working for the L. & A. & C.
Q. When did he start from Indiana? A. Well, he started with me.
Q. When did you start? A. Well, it must be in September or October, along there sometime.
Q. Where did you go. We took the O. & M. as I remember, and it seems to me that we went to Cincinnatti, but I don't know. I didn't keep any record. I don't know whether we went by Indianapolis or not but we went to Lebanon to see our brother the doctor.
Q. Where did you go from Lebanon? A. We went from Lebanon to Cincinnatti.
Q. How long did you stay there at Cincinnatti? A. Didn't stay there long. I worked as little at my trade as we went down on the boat. I declare I couldn't say positive how long. I know I worked at my trade. I can call to mind restaurants and bakeries we got lunches in.
Q. How long did you stay in Cincinnatti? A. Well, now, I don't know. It would just be this way about that. I couldn't tell how long I worked any where.
Q. Where did you go from Cincinnatti? A. We went down the river by way of Louisville. We had to stop there on account of the boat being out of order or the river being too high or something. We went down the river to Cairo and Memphis, it seems to me.
Q. How long were you on that trip? A. We were quite a while on the trip. I was close ob money and wanted to make something. We didn't get in the Territory only just a little time to save ourselves, I know.
Q. How long were you on the trip? A. Well, we were 2 or 3 months, as I remember it. It seems something like 2 or 3 months. I know we just got in here before the year expired a very short time.

Examination by the Commission.

Q. That was in 1889? A. In 1889?
Q. Yes. A. Yes, that was in 1889.
Q. What do you mean by a short time before the year expired?
A. We were admitted on Senate bill 41, and that was in 1888.
Q. What time? A. 22nd of November, concurred in by the house on the 23rd and we would have to get in the before the time, counting the time of the concurence by the Senate.
Q. Did you come in as much as a week before that time?
A. I don't think so.
Q. Was it as much as a day? A. Yes, sir. I know it was such a close cut we considered we just saved ourselves. Of course if we had mean and I didn't have to work at my trade we would have come right along.
Q. How long did your brother stay there that time--Marcus?
A. He just stayed a short time. He just went to secure his rights. Then he had to go back. He was railroad from the first. He wanted to go back and make some money, and he had some money in the building and loan.
Q. Did he come out just to secure his rights? A. He wanted to secure his rights and then return. Of course, you see the man didn't know anything but railroading. He wanted to go back.
Q. When he returned in 1889 how long did he stay? A. He was gone 2 or 3 years, something like that.
Q. During that time did you have any correspondence with him?
A. Yes, sir; I was writing to him.
Q. What was he engaged in? A. Railroading. He never knew anything under Heaven except to use a spike maul.
Q. When did he come back? A. He come back in '92 or 3. It was just a year or two after '90 is all I know.

BY MR. STARR:
The representative of the Cherokee Nation moves that this case be continued until December 2nd, 1902, for the reason that it has been unable to produce its witnesses at this time; that it has used due diligence to secure their attendance but for some reason they have failed to appear. It is not made for the purpose of delay but that justice might be done.

BY THE COMMISSION:
The case will be continued until the 2nd of December, 1902, and the applicant is notified of this action.

BY MR. C. L. MAXWELL:
Can I make a statement?

BY THE COMMISSION:
Yes, sir.

BY MR. MAXWELL:
I would simply like to say this, that he was anxious, of course, to go back to his work, to make money and to see about the money he had in Indiana, and so on, and that, as I said, he didn't stay long, and that having just such a small place to hold his rights, he come again in 1893, I think it was, and he made another purchase. He wanted more holdings. And I expect that somebody thought that that was the only time he had come, or his first time of coming or returning. I thought may be that some thought that was his first time of coming.

BY THE COMMISSION:
That is not it at all. The contention is when did he come here the first time.

BY MR. MAXWELL:
That is all right. I thought some didn't know his first coming.

November 18th, 1902.

NANCY SEIGEL, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. My name is Nancy Seigel now, my name was Nancy Dunbar at the time you want to ask me about.
Q. What is your age? A. 52.
Q. What is your post office? A. Braggs.
Q. Do you know Marcus Maxwell? A. Yes, sir.
Q. How long have you known him? A. Ever since in 1889.
Q. What time in 1889 did you learn to know him? A. He come to my house in November, 1889. We was digging potatoes, the reason I remember.
Q. Do you remember what time in November? A. I don't know the exact day of the month. It was in November.
Q. How many weeks after the first of November? A. I don't know. We was digging potatoes in November, Irish potatoes. They come to my house and helped.
Q. Was it the first of last of November? A. I don't remember that. It was in November.
Q. You are positive it was in November? A. Yes, I am almost positive it was.
Q. How long did he stay there? A. I don't know exactly how long he stayed there but he helped dig potatoes at my house.
Q. Do you know where he went, whose house? A. Yes, sir; he went to his brother's, Armstead Maxwell.
Q. Do you know how long he stayed there? A. I don't know how long he stayed there. He has been around there ever since then. He went off a little while. He come back.
Q. How long was he gone? A. I don't remember exactly.
Q. Since he come how long has he been there continuously?
A. (no response)
Q. He has been there all the time since he come back?
A. Oh, yes. Yes, he bought a little place there. Charley Maxwell is living on it now. Bought it of Dan Roach, an old darkey.

Examination by Mr. Starr.

Q. How do you fix it that it was in 1889? A. Well, I know it was in 1889. I ain't around fixing the year. It was in that year, in November. Did I say '89?
Q. Yes, ma'am. A. Well, I think it was 1889. I am almost positive it was 1889.
Q. Are you sure it was '89 or '90? A. Oh, no; it was in '89.
Q. Was there anything that happened-----
A. Why, goodness sakes alive, you think I would be crazy and wouldn't know if it was 1889? I have known his brother Armstead ever since '77. They lived right there on my place.
Q. What year was itMarcus left? A. I don't remember what time it was when he went off.
Q. Do you know when he come back the second time?
A. He come back the second time--I think he was there when they enrolled. I won't be positive but I think it was in '93 or '92. I don't know which. He was back at home at Armstead's.
Q. Well, which was it, 1892 or '93? A. Well, I told you I didn't exactly remember what year it was, it was in '92 or '93 when we enrolled and I think Mark was back then.
Q. How long did he stay the first time he come?

A. I don't remember that either. Me and Armstead lived about a mile apart, but I never took any notice and didn't think there would be any hereafter about it. Anything I want to notice I can remember way long back better than I can a year ago.

Q. You can remember when he come in '89 better than you can when he come in '93? A. Yes, sir.

Q. Are you any relation to these Maxwells? A. None whatever.

Q. How long have you been living in the Cherokee Nation?

A. I was born and raised in the Cherokee Nation; been here all my life. I have lived right there. I lived there from '77 until--- well, I don't live there on my place, I rent it.

Q. What did Marcus do when he come there in 1889?

A. Well, he helped dig potatoes.

Q. He come down on xxx a kind of a visit and then went back?

A. No he come down and dug potatoes.

Q. You don't know how long he stayed there?

A. No, I don't know that but I know he was there.

++++++++++++++++++++++++++++++++++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

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

B. C. Jones

Notary Public.

Cherokee D 539.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, Ind. Ter., January 15, 1904.

In the matter of the application of Marcus Maxwell for the enrollment of himself as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

Now comes the Cherokee Nation by its representative, J. C. Starr, and states that the nation has no further evidence to offer in this case and submits the same for decision on the evidence now of record.

---

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and correct copy of the same.

R. T. Rothenberger

Subscribed and sworn to before me this 19th day of January, 1904.

Simon R. Walkingstick
Notary Public.

Cherokee D-639.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Marcus Maxwell for the enrollment of himself as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 8, 1900, Marcus Maxwell appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902. The application also included his wife, Serena C. Maxwell, but she is differently classified and is not embraced in this decision. The record further shows that on September 20, 1902, this Commission rendered its decision enrolling said Marcus Maxwell as a citizen by blood of the Cherokee Nation. Thereafter on October 25, 1902, the Cherokee Nation filed a motion to reopen said case for the purpose of introducing further testimony, and on November 1, 1902, this Commission allowed said motion and ordered that additional testimony be taken. Proceedings were had at Muskogee, Indian Territory, on November 17, 1902, pursuant to the Commission's said order, and thereafter at Tahlequah, Indian Territory, on January 16, 1904, the Cherokee Nation submitted the case for a decision on the evidence now of record.

The evidence shows that Marcus Maxwell, among others, was re-admitted to citizenship in the Cherokee Nation on November 23, 1888, "provided they returned to the Cherokee Nation within one year after the passage of the above named act." The evidence further shows that he returned to the Cherokee Nation on the 22nd day of November, 1889, and after a temporary absence he again returned to the Cherokee Nation in 1893 and has resided continuously therein since

that time. The said Marcus Maxwell is identified on the Cherokee Census Roll of 1896, as a native Cherokee.

It is, therefore, the opinion of this Commission that Marcus Maxwell should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED).
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JAN 16 1905

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON T. AYLESWORTH
SECRETARY

ADDRESS IN REPLY TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 539.

Muskogee, Indian Territory, September 29, 1902.

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

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Marcus Maxwell for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 57.

130g

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BREDENRIDGE

ALEXANDER L. AYERSWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-539

Muskogee, Indian Territory, November 4, 1902.

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

Dear Sir:-

There is enclosed you herewith copy of an order of the Commission granting your motion to reopen the application of Marcus Maxwell for enrollment as a citizen of the Cherokee Nation, and directing that further testimony be taken therein, at the offices of the Commission at Muskogee, Indian Territory, on November 17, 1902.

Respectfully,

Acting Chairman.

Enc. M-82

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-539.

Muskogee, Indian Territory, January 16, 1905.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, granting the application for the enrollment of Marcus Maxwell as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Incl. S-63.

IN THE MATTER OF THE APPLICATION OF

Virginia Lancaster

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A. Original testimony of 10/8/00.
B. Memo. of application of 10/8/00.
C. Marriage license and certificate
D. Certificate of admission.
E. Notice of final consideration 3/1/02
F. Sup test + order closing test 3/1/02

See Cherokee jacket R237
[illegible] to Cherokee

FEB 10 1905

Cher D 540

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., October 8, 1900.

In the matter of the application of Soroggs Robert Purcell et al. as Cherokees of Shawnee blood.

Mary Ann Morrison, being sworn and examined by Commissioner Brecknridge, testified as follows:

Q What is your name? A Mary Ann Morrison.
Q How old are you? A 41.
Q What is your post office? A Dewey.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll, yourself? A No, sir, my eight children.
Q Neither yourself nor your husband? A No, just my children.
Q Are you a white woman? A Yes, sir.
Q What is the name of the father of these children? A William W. Purcell.
Q Is he alive or dead? A He is dead.
Q Was he a Cherokee or a white man? A He was a Shawnee.
Q When did he die? A He died five years ago this fall.
Q When were you married to him? A In 1878.
Q Did you live with him from the time you were married to him until he died? A Yes, sir.
Q He is on the roll of 1880 I suppose? A Yes, sir, I think he is on the roll of 1880.
Q Now give me the ames of these children? A The oldest boy is Soroggs Robert Purcell, he will soon be 22.
Q Well, he will have to apply for himself? This is your son standing here? A Yes, sir.
Q Give me the name of the next one? A Hattie Elizabeth, 20 years old.
Q The next child? A Harry Wesley, he is 18.
Q Now the next child? A Charles Henry, he is 15.
Q The next child? A Ada May, 12 years old.
Q Now the next child? A Julia Etta, 9 years old.
Q Now the next child? A James Carlisle, 7 years old.
Q The next child? A Mary Hazel, 5 years old.
Q These children all living are they? A Yes, sir.
Mr. W.W.Hastings, representative of Cherokee Nation: Where were you living in 1880, 20 years ~~aix~~ ago? A I was living at Vinita.
Q On which side of the railroad? A In Coowescoowee district.
Commissioner Brecknridge: Where were you enrolled in 1880? A I thought their father had them enrolled, I wasn't there myself, I was sick and up north.
Q Where were you married, in the Cherokee Nation? A No, sir, at Hillsdale, Kansas.
Q Lived here ever since? A Not ever since, I have been off and on ever since, I have lived around Vinita a good deal and I have been living as close to Bartlesville going on eight years.
Q Where did you live before that? A I lived at Vinita a while and at Ochiltree, Kansas.
Q Tell me something about your movements, as briefly as you can: you came here in 1877; how long did you stay? A I stayed here a year and my father lived in Kansas and we went up there to my father's.
Q Then how long did you stay in Kansas? A I stayed there four or five years, their father came down, he was down.
Q You stayed there four or five years? A Yes, sir, and then we moved back to Vinita and then went back to Kansas.
Q How long did you stay at Vinita? A Only about four or five months the last time.
Q Then what did you do? A Then we went from there back to Ochiltree, Kansas.
Q How long did you stay there? A I don't just remember how many

years we were there.
Q You were there a number of years? A Yes, sir, three or four, I suppose we were there.
Q Then what did you do? A Then we came back down here.
Q How long did you stay here? A I have been here ever since.
Q How long since you came here this last time? A Been here eight years this last May.
Q Came here about three years before your former husband died?
A Yes, sir.
Q Did you ever apply to the Cherokee Council or Commission for re-admission to citizenship? A He did.
Q Was he re-admitted? A Yes, sir.
Q Have you got the certificate of readmission? A No, sir, I haven't got his papers, he left them with his stepmother and they got his papers all destroyed.
Q You were not on the 1896 roll? A No, sir, the children were all put on.
Q Did they draw Cherokee strip money, these children? A Yes, sir.
Q Did these children all come with you when you came here eight years ago? A Yes, sir.
Mr. Hastings: Where were you married the last time? A I was married at Newata the last time.
Q When? A In 1896.
Q What time of the year? A In 1897 I was married.
Q Did you attempt to enroll in 1896 before the census takers?
A Their whole after their father died was appointed administrator and he told me he had went and had the children all put on the roll and I went down to Claremore to see about it, and he said he hadn't put them on, and my husband and myself had the children put on.
Q Was he helping you to put them on in 1896? A You see the administrator was to see about the children, they wouldn't let me have a say-so about nothing, and we went down there to see about it and the clerk down there said it would be all right, he would put the names on.
Commissioner Breckinridge: But as a matter of fact neither you nor the children were put on the roll of 1896? A Their father surely had them put on the 1880 roll, if they haven't been taken off.
(William W. Purcell on 1896 Shawnee Pay-roll, page 31, No. 614. Seroggs R. Purcell on 1896 Shawnee Pay-roll, page 31, No. 615, Seroggs Purcell. Hattie E. Purcell on 1896 Shawnee Pay-roll, page 31, No. 616. Harry W. Purcell on 1896 Shawnee Pay-roll, page 31, No. 617, Harry Purcell. Charles H. Purcell on Shawnee Pay-roll of 1896, page 31, No. 618, Charles Purcell. Ida May Purcell on 1896 Shawnee Pay-roll, page 31, No. 619, Ada Purcell. Julia Etta Purcell on 1896 Shawnee Pay-roll, page 31, No. 620, Julia Purcell. James C. Purcell on 1896 Shawnee Pay-roll, page 31, No. 621, James Purcell.)
Q How many of these children were born in Kansas? A They were all born in Kansas but one.
Q All but the youngest? A Yes, sir.
Mr. Hastings: What was the name of your first husband's mother?
A Margaret Kendall.
Q Was she a white woman? A His mother was part Shawnee indian.
Q What relation was your husband to Charles H. Purcell? A He is a half brother.
Q They had different mothers? A Yes, sir.
Q His father was a white man? A His father was a white man.
Q Did his mother ever live here in the Cherokee Nation? A No, sir, His mother died when he was only five years old.

The applicant applies for the enrollment of her eight children. She states that she was married in 1877 to her deceased husband, a Shawnee-Cherokee, and that he died five years ago. They do not seem to have made their home much in the Cherokee Nation until within the last eight years. Neither she nor her husband are identified on the

Seraggs R. Purcell - B.

roll of land, and one, though still unmarried, is not identified on the roll of land. The eldest child, 22 years of age, appears in the application. No three children, the first seven are identified on the Shawnee-Cherokee payment of land, but not upon the census roll of 1896. They are all living at this time. The applicant states that her husband and the children have admitted to Cherokee citizenship, but is not able to present evidence of their admission, and their names are not found on the printed list in the possession of the Cherokee representative present. The first seven of these children will now be listed upon a doubtful card as Shawnee-Cherokees, and when a certificate of birth of the youngest child, Mary E., is presented to the Commission, she will be listed also upon a doubtful card as a Cherokee-Shawnee, and the final decision of the Commission will be made known to the applicant at her post office address. She is particularly required, if possible, to supply the Commission with official evidence of their having been admitted to citizenship by the Cherokee Commission.

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Bruce O. 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 O. Jones

Sworn to and subscribed before me this the 8th of October, 1900.

C. Whearty

Commissioner.

OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 12 1902
ACTING CHAIRMAN

Supl.-C.D.#640/

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SCROGGS R. PURCELL, ET AL., as citizens of the Cherokee Nation; introduced on part of applicants:

The applicants in this case were notified by registered letter February 12, 1902, that their application for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902. Receipt has been acknowledged of Commission's letter, and on said day, to-wit: the 1st day of March, 1902, the applicants appeared by their attorney, E. B. Lawson, and by agreement with the representative of the Cherokee Nation present the case was continued until the 6th day of March, 1902. The same being this day to-wit: the 6th day of March, 1902, called, the applicants appear by their Attorney.

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

SARAH E. NEIMYER, being duly sworn, testified as follows on the part of applicants:

MR. LAWSON:

Q State your name? A Sarah E. Neimyer.
Q Where do you live? A Live in Chelsea.
Q Indian Territory? A Yes, sir.
Q How long have you resided in the Cherokee Nation, Indian Territory? A Well, I came here in 1870, '69 or '70.
Q Have you resided in the Cherokee Nation ever since that time?
A Yes, sir.
Q What was your husband's name? A George W. Neimyer.
Q Is he dead? A No, sir, living.
Q What was your name before you married George W. Neimyer?
A Sarah E. Purcell.
Q Did you know William W. Purcell? A Yes, sir, he was my brother.
Q Do you know when William W. Purcell came to the Cherokee Nation?
A He came with my father and all of us when we came.
Q In 1870 A 1870.
Q Did you know of your brother, William W. Purcell, and family coming to the Cherokee Nation with the members of the Shawnees?
A Yes, sir.
Q Do you know whether or not William W. Purcell came to the Cherokee Nation under the agreement between the Cherokees and the Shawnees? A Yes, sir, he came.
Q And during the time that he was to come under that agreement?
A Yes, sir.
Q Do you know whether he is one of the parties whose name appears upon that Shawnee register of the roll of Shawnees who came to the Cherokee Nation prior to 1871 under the Cherokee-Shawnee agreement?
A Yes, sir, his name stands on the old roll as 530, I won't be certain but I think it is 530.
Q Does your name appear on that same roll? A Yes, sir.
Q And you and he removed to the Cherokee Nation under that agreement? A Yes, sir.
Q Well, Mrs. Neimyer, do you know Mary Ann Morrison? A Yes, sir.

Q What relation was she or what relation did she sustain to William W. Purcell? A She was his wife.
Q That is Mrs. Mary Ann Morrison is since Married Morrison?
A Yes, sir.
Q William W. Purcell is dead is he not? A Yes, sir.
Q Do you know whether or not they had any children as a result of their union, that is William W. Purcell and his wife?
A They had eight.
Q Are those children now living? A Yes, sir.
Q What is the oldest child's name? A Scroggs R. Purcell.
Q They live in the Cherokee Nation, do they?
A Yes, sir.
Q Where are those children living? A With their mother on the farm close to Bartlesville, between Bartlesville and Nowata, all but the two oldest, Scroggs isn't at home at the time.
Q They live in the Cherokee Nation, do they? A Yes, sir.
Q Do you know when William W. Purcell married his wife, Mrs. Morrison? A I think it was in February 1876, I would not be certain.
Q Where was he living at that time, or at the time of his marriage?
A He had been living in the Nation and he went to the States and married this girl.
Q Did he bring her back? A Yes, sir. They came right down after they were married.
Q You state that you think this marriage occurred sometime along about 1876? A Yes, sir, it was in that year; '76 or '77.
Q Do you know when William W. Purcell removed permanently to the Cherokee Nation; that is moved his family permanently?
A I can't tell you just exactly the year.
Q Well, about how long ago? A It has been about eight or nine years ago, as near as I can remember.
Q Did you ever see William W. Purcell from the time he married in 1876 or 1877 until the time he removed here permanetly to the Cherokee Nation about nine or ten years ago? A Yes, sir, he came down here every year to look after his business, sometimes two or three times a year, and he always stopped at my house when he came.
Q Do you know whether he had any effects here in the Nation during the time intervening from 1877 until he came down here?
A He never moved his things away from here; he had a claim here just like everybody else.
Q Well, he had claims, farms here? A Yes, sir.
Q And he came down here about once or twice a year to see about those claims and farms? A Yes, sir.
Q Well, Mrs. Neimyer, you state that Mr. Purcell, your brother came down here to look after those farms from the time he came down?
A Yes, sir.
Q I believe you stated that he never removed part of his household good, etc., away from the Cherokee Nation? A No, sir.
Q But kept them here all the time? A Yes, sir.
Q And from 1869 or '70, when you and he came to the Cherokee Nation until he married, did he live in the Cherokee Nation all the time?
Q Well, he was out and in as I tell you.
Q I mean from 1869 or '70? A Yes, sir, he was here all the time until he married.

MR. HASTINGS:

Q Was William W. Purcell's health good or bad? A He had bad health.
Q Climate in the Indian Territory agree with him?
A Not very well, he had lung troubles.
Q Climate up in Kansas was better suited? A That is a kinda silly question because I suppose men traveled around to suit themselves.
Q Stayed up there in Kansas a good deal for his health? A That was not any of my business what he stayed there for.

Q I am asking you? A I don't know what he stayed there for; now, one thing she went there to keep house for her father. He had left some little children and he wanted her to stay with him a good deal.
Q You knew his wife? A Yes, sir.
Q She is now Mrs. Morrison? A Yes, sir.
Q You say they were married in Kansas? A Yes, sir.
Q Where did they move to in the Cherokee Nation immediately after their marriage, as you stated? A About three miles this side of Vinita.
Q Did they have a house? A They moved to my father's old home place and stayed with him.
Q About how long? A They stayed with him very near a year.
Q And then they went to Kansas? A Yes, sir.
Q They had no place then? A They had a claim you know a good many never does make a home.
Q And abandoned it? A Yes, sir, and went off and put some more on it.
Q This man never had a claim there? A That is what he claimed.
Q Yes, but he went off to Kansas and left it?
A Yes, that is the way.
Q He never had a farm fenced up? A No.
Q Did he have any farm fenced up? A No, he broke out a piece of land.
Q Did you ever see it? A No, sir, I had his word for it.
Q I ask you not to make any statement unless you are personally acquainted; what effects did he have there? A He had some bed clothes and things.
Q You said he lived with his father? A Yes, sir.
Q What effects did he have there? A He had some bedding and bed clothes and all such.
Q You know he had them? A Yes, sir.
Q Did his mother give them to him? A I don't know.
Q Where did he get them? A I don't know.
Q How did you know they were his? A Only by him saying so.
Q When did they say that? A When she was at home.
Q Of course you went around and inquired about the different articles in the room? A No, not that at all. They were showing me things and told me that was their.
Q That was since your brother was there? A Yes, sir.
Q Not when he was away? A No, sir.
Q Well now, Scroggs R. Purcell is 22 years of age as given by his mother, that was in October, 1900; that would make him be bron in about 1878, is that correct? A I could not tell you. I think he was born, I don't know about it.
Q Where was he bron? A He was born in Kansas.
Q Well, Hattie E. Purcell is given as being born in the year 1880 where was she born? A In Kansas I think.
Q Harry W. is given as being born in 1882, you know where he was born? A No, sir, I don't.
Q Was he born in Kansas, or Cherokee Nation? A I could not tell you that.
Q Charles H., is given as being born in 1885 his mother stated that he was born in Kansas, how about that? A I can't tell you about that; his mother ought to know.
Q The next one, Ada M. is 12 years of age which makes her born in 1888 was she born in Kansas also: A I could not tell you; I suppose she was.
Q Jewel E. was nine years of age in 1900; make her be born in 1891; her mother stated she was born in Kansas, do you think that is correct? A I could not tell you; I guess it is for she come out with her; she ought to know.

Q And James C. was seven in 1900; you know where he was born?
A No, sir
Q Do you know where, Mary H: was five in 1900; do you know where she was born? A No, sir.
Q Then you don't know where any of these children were born?
A No, sir.
Q So far as you know they were all born in Kansas?
A Yes, sir.
Q Did their mother live up in Kansas? A Yes, sir.
Q Well, s you know that she lived in Kansas during that time?
A Yes, sir.
Q With these children? A Yes, sir.

MR. LAWSON:

Q Mrs. Neimyer, these parties have lived over about Bartlesville for the last eight or ten years have they not?
A I don't know how many years; they have been there.
Q Well, since they came back they have lived there; I haven't been around them much since they came back.
Q You know what place or where W. W. Purcell recognized as his home; whether he recognized the Cherokee Nation or Kansas? A He recognized the Cherokee Nation I suppose.

MR. HASTINGS:

Q Just a supposition? A Yes, sir, he made both places his home, so I don't know. I don't want to say anything that is wrong; they are here, so I don't know.

Mr. Lawson: I desire to introduce a certificate from J. T. Parks, Executive Secretary, showing that the name of William W. Purcell appears as No. 530 on the register of the names of the members of the Shawnee tribe of Indians who moved to and located in the Cherokee Nation, Indian Territory, prior to the 10th day of June, 1871, within two years from the 9th day of June, 1869, inaccordance with the agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians by their delegations in Washington, D. C., United States of America, on the 7th day of June, 1869, and approved by the President of the United States on the 9th day of June, 1869, in accordance with the XV Article of the Cherokee treaty with the United States proclaimed August 11th, 1866. This the 9th day of June, A. D., 1871, Which register of said names is now on file in the office of the Executive Department of the Cherokee Nation, Tahlequah, Indian Territory, and is part of the files of said office.

Commission: The document will be filed and made part of the records in the case at bar.

MARY ANN MORRISON, being duly sworn, testified as follows on part of applicants:

MR. LAWSON:

Q State your name? A Mary Ann Morrison.
Q Your post office, Mrs. Morrison? A Bartlesville.
Q Indian Territory? A Yes, sir.
Q How many times have you been married? A Just twice.
Q What was the name of your first husband? A William W. Purcell.
Q How many children living children have you by William W. Purcell?
A Eight.
Q I believe in your direct examination, or when you first applied for citizenship you give the names of the children? A Yes, sir
Q Were all of these children born in Kansas? A All but one.
Q Which one? A That was the youngest.
Q What is her name? A Mary Hazel.

Q She was born in the Indian Territory? A Yes, sir.
Q Where? A Bartlesville.
Q When did you move with these children to the Cherokee Nation?
A Nine years ago.
Q Since that time have you lived permanently in the Cherokee Nation?
A Yes, sir.
Q Mrs. Morrison, when were you married to William W. Purcell?
A '77.
Q Well, after your marriage to him did you remove to the Cherokee Nation? A Yes, sir.
Q Where did you and your husband live? A Well, we lived three miles south of Vinita with his father and then we moved about a mile or two miles southeast of Vinita, in a little house he had there.
Q How long did you live in that house? A We lived there very near a years, lived there.
Q Well, did you return to Kansas? A Yes, sir, I went there myself.
Q I will ask you to state why you went up to Kansas, for what reason? A Well, I was the oldest girl of fathers and he was a widower and he had small children there and he came and asked me to go back to keep house with him.
Q Well, during the time from 1878 or '9, when you went up to Kansas to keep house for your father until you remover permanently to the Cherokee Nation, I will ask you if your husband, William W. Purcell, made any trip to the Cherokee Nation? A Yes, sir.
Q How often did he make trips here? A Sometimes twice a year, and I moved back twice myself and lived here six months, at home.
Q Well, when did you move back? A I moved back here in 1881 I believe it was.
Q Did William W. Purcell have a home in Kansas? A No, sir.
Q You lived with your father? A Yes, sir.
Q You kept house for your father all the time you were up there?
A Yes, sir.
Q Until you removed permanently to the Cherokee Nation here?
A Yes, sir.
Q These eight applicants are all the children of William W. Purcell, are they? A Yes, sir.

MR. HASTINGS:

Q How far did you live from Kansas City? A It was about 30 miles.
Q Did William W. Purcell ever make any trips to Kansas City?
A No, sir, not as I know of.
Q He never did go there? A No, sir, not as I know of.
Q Did he ever make any trips to any other towns up there?
A No, sir.
Q Stated at the one place all the time? A Yes, sir.
Q You lived at his father's immediately after you married?
A Well, not for a year after wa was married; come down the next day after we was married to Vinita, and the next November; I was married about 20th day of February and the next November, 15th day of November, my father came after us.
Q I mean with his father? A Yes, sir, the first three months after we married we lived with his father.
Q Where did you move when you came back here in 1893?
A There south of Vinita.
Q When was James C. born, what was the date of his birth?
A He was born the 18th of May.
Q Well, that was in 1893? A Yes, sir.
Q He was born in Kansas? A Yes, sir.
Q Well, it was after James was born before you came down here?
A Yes, sir; just three months old when we come down here.
Q That would have made it in the summer of '93? A Yes, sir.
Q What did you do with that house you lived in when, as you stated,

after you were married after living at your father's about three months? A He give the house to his father.

MR. LAWSON:

Q Do you know, Mrs. Morrison, whether he had any farms, whether William W Purcell had any farms or improvements or not here in the Cherokee Nation between 1878 and the time he moved down here permanently? A Only just claims he had taken that he would move on when ever we come down. Father never give up for me to come down until the children got old enough to do for themselves.

Commission: The attorney in behalf of the applicants and the Cherokee representative present submit the case, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 20 days in which to file a brief in the case; one copy with the Commission and one copy with the Cherokee Nation.

---oooOOOooo---

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

J O Rosson
Stenographer.

Copy D540

Citizenship case of
George R Purcell et al

Before the Commission to the Five Civilised Tribes, at Muskogee Indian Territory,

In the matter of the application of Soroggs R. Purcell et al. for enrollment as Citizens of the Cherokee Nation.

Brief on the part of applicants:-

The applicants herein are the Children of William W. Purcell a Shawnee Indian and Mary Ann Purcell, now Mary Ann Morrison.

From the evidence it seems that William W. Purcell, the Father of the applicants is dead and the Mother, since William W. Purcells death has married a man by the name of Morrison.

The Mother, of the applicants, Mary Ann Morrison, does not apply for Citizenship as it is acknowledged that she has no claims thereto on account of marrying out of the Tribe, which she did by marrying Morrison.

It seems from the evidence before the Commission that the name of William W. Purcell appears on the Regeeter of the names of members of the Shawnee Tribe of Indians, who moved to and located in the Cherokee Nation, Indian Territory, prior to the 10" day of June 1871 within two years from the 9" day of June 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians through their delagations in Washington, D. C., United States of America, on the 7" day of June 1869, and approved by the President of the United States on the 9" day of June 1869, in accordance with the fifteenth article of the treaty between the Cherokee Nation and the United States, proclamed August 11" 1866.

Now on the regeeter of the said names of Shawnees the name of William W. Purcell appears as number 530, and it is shown by the evidence of his Sister who testified in this case that he is the identical William W. Purcell, whose name appears on the said regeeter and who came to the Cherokee Nation under the provisions of the said treaty.

It is not disputed that he is the identical person whose name appears on the said roll and it is not disputed that the applicants here in are the children of the said William W. Purcell.

From the evidence it seems that William W. Purcell lived in the Cherokee Nation about 10 years before he ever married; that he made a permanent home in the Cherokee Nation;

It seems from the evidence that the Wife of William W. Purcell was the only child of her Father, who was a Widower; that about two years after her marriage to William W. Purcell she went to Kansas and kept house for her Father, but the evidence shows that William W. Purcell always recognized the Cherokee Nation as his home, and always owned property in the Cherokee Nation, and always kept coming and going into the Cherokee Nation.

The evidence shows that William W. Purcell after the death of his Wife's Father moved his family into the Cherokee Nation, and the said Family have remained here continuously for about 10 years.

It seems from the evidence that all the Children with the exception of one was born in the State of Kansas, but this can easily be accounted for from the fact that the Mother was staying in Kansas and actually remained in Kansas for several years although the parents of the applicants never owned and property in Kansas.

The name of William W. Purcell does not appear on the 1880 roll for some unexplaned reason but the names of his Brothers and Sisters appear on the said 1880 roll; and the applicants names do not appear on the 1880 roll for the reason that they were not born at that time.

It seems in 1896, when the Census roll was made the Father of the applicants was dead, and his Brother S. L. Purcell was appointed Guardian of the said applicants, and it seems that he did not take the trouble to put applicants names on the Census roll of 1896 although he did take the trouble to have their names put on the Shawnee Pay roll, so that he could draw the money for them.

We would most respectfully refer this Commission to the Agreement between the Shawnees and Cherokees which can be found on page 403 of the Laws of the Cherokee Nation of 1892, and would particularly call your attention to that part of the agreement contained on page 406 of the said Laws, wherein it says "That the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect, and with all the priviledges and immunities of native Citizens of the Cherokee Nation; provided, that all of said Shawnees who shall elect to avail themselves of this agreement shall regester their names, and permanently locate in the Cherokee Country as herein

provided, within two years from the date hereof, other wise they shall forfiet all rights under this agreement".

Now it seems that the William W. Purcell complied in every resepot with the provisions of the said treaty, and it further seems that he was adopted into the Cherokee Nation the same as a native Cherokee with all the priviledges of a Cherokee Indian.

These applicants have all drawn money the same as native Cherokees and they have been recognized as Citizens of the Cherokee Nation at all times and it must be born in mind also that most of the applicants are still very young and that the oldest of them was not more than 9 or IO years of age when their Mother removed to the Cherokee Nation with them.

Section 8 of Article I of the Constitution of the Cherokee Nation on page I2 of the Laws of the Cherokee Nation, reads,"That whenever any Citizen shall remove with his effects out of the limits of this Nation and becomes a Citizen of any other Government, all his rights as a Citi zen of this Nation shall cease".

The proof in this case shows that William W. Purcell always recogni zed the Cherokee Nation as his home, that he never at any time exercised the rights of suffrage at anyother place and at all times he had his goods chattels and effects in the Cherokee Nation and in fact that he never did remove from the Cherokee Nation .

We would most respectfully call the attention of this Commission to the case of Elk VS Wilkins II2 U. S.,94, wherein it was h ld that an Indian born a member of one of the Indian Tribes within the United States, which still exists, who has voluntarily separated himself from his tribe and taken up his residence amoung the white Citizens of a State but who has not been naturalized or taxed or recognized as a Citizen of the United States or the State is not a Citizen of the United States within the meaning of the Fourteenth amendment to the Constitution.

And again in the same decision it was held that a petition alleging that the plaintiff is an Indian and was born within the United States and has severed his tribal relations with the Indian Tribe, and fully and completely surrendered himself to the ju isdiction of the United State and is a bona fife resident of Omaha, in the State of Nebraska, does not show that he is a Citizen of the United States under the fourteenth amendment of the Constitution.

I do not think that it can be seriously urged that the applicants herein lost any of their rights whatever by reason of not removing to the Cherokee Nation before their Mother did for the reason that their Father always held his home in the Cherokee Nation and applicants themselves could not be held accountable for their actions as they were of a very tender age, wholly dependant on their parents for a home.

We do not see how the Cherokee Nation after receiving the moneys William W. Purcell paid into the said Cherokee Nation for his Citizenship rights therein after being recognized as a Citizen of the Cherokee Nation for years, after having fully complied with the Cherokee-Shawnee Treaty, could successfully contend against the enrollment of the applicants.

Attorney for the applicants

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Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 15, 1902.

In the matter of the application of Soroggs R. Purcell, et al, for enrollment as Cherokee citizens. Cherokee D. 540.

Brief on behalf of the Cherokee Nation.

.....

The testimony shows that Soroggs R. Purcell is the oldest child of William W. Purcell; his mother, whose present name is Ann Morrison, is a white woman; the other seven applicants are brothers and sisters of his; he was 22 Years of age when application was made for him in 1900, which would date his birth back to 1878. It is claimed that his father was a Cherokee citizen of Shawnee blood; that he came with the Shawnees from the state of Kansas under the Shawnee-Cherokee treaty in 1871. There is not much testimony as to his residence between that time and his marriage to a white woman in the state of Kansas in 1877. It is stated in the testimony that that he removed to the Cherokee Nation soon after his marriage and lived with his father here and in his father's house; but there is no testimony that he acquired any property or that he made any permanent home in the Cherokee Nation. But on the other hand it is shown that prior to the birth of his first child he lived in the state of Kansas, where the first seven of these applicants were born; he abandoned a claim that he had made upon the public domain of the Cherokee Nation and left it and it reverted back to the public domain. His first child was born in 1878 in Kansas, and his seventh in 1893 in Kansas, his last, or the eighth of these applicants, was born in the Cherokee Nation since their return. None of their names appear upon the census roll of 1896, which shows that they were not recognized citizens of the Cherokee Nation by the Cherokee Nation itself. The father of these children was not here when the roll of 1880 was made, hence when it was

authenticated the National Council determined that he was not a citizen of the Cherokee Nation; but that he was resident and citizen of the state of Kansas, and very properly refused to enroll him. This roll was confirmed by the act of Congress which gives this Commission jurisdiction. We contend that inasmuch as the name of the father of these children and the mother also, if they were married prior to 1880, does not appear upon that roll that it was necessary **thatxthex** for them to be re-admitted to citizenship upon their return to the Cherokee Nation.

The Shawnee agreement provided "That the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of the Cherokee Nation; provided, that all of said Shawnees who shall elect to avail themselves of this agreement shall register their names and become actual locate in the Cherokee country as herein provided, within two years from the date hereof, otherwise they shall forfeit all rights under this agreement". The testimony clearly shows in this case that the father of these children did not permanently locate as provided in the Shawnee agreement in the Cherokee Nation; but upon the other hand returned to the state of Kansas where seven of these children were born. The Cherokee Nation contends that a Shawnee Indian who removed to the Cherokee Nation under the Shawnee treaty is entitled to the same rights and privileges, no more and no less, as a Cherokee **byxblxxdx** citizen by blood; and that he forfeits his right to citizenship by removal from without the limits of the Cherokee Nation the same as would a Cherokee Indian by blood. The fact that these applicants claim by reason of their Shawnee blood gives them no higher or greater right than if they were Cherokees by blood. With the exception of the youngest they were all born

in the state of Kansas, and were clearly at the time of their birth citizens of the state of Kansas; and attention is called to the judgment of the enrolling Commissioner before whom the first application was made in the field, and to the statement made by the Commissioner in charge at that time. No evidence has been introduced to show that the applicants were re-admitted to citizenship upon their return to the Cherokee Nation; and for the reasons hereinabove stated it is contended that the [illegible] entitled to enrollment as citizens thereof.

Respectfully submitted,

[illegible] for the Cherokee Nation.

Cherokee D 840

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

In the matter of the application for the enrollment of Scroggs Robert Purcell, Hattie Elizabeth Purcell, Harry Wesley Purcell, Charles Henry Purcell, Ada May Purcell, Julia Etta Purcell, James Carlisle Purcell and Mary Hazel Purcell as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on October 8, 1900, Mary Ann Morrison appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of her children by a former husband as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 6, 1902.

The evidence shows that one William W. Purcell, the father of the applicants in this case, is of Shawnee blood and is identified on the Shawnee Register. Said Register contains the names of those Shawnees who permanently located in the Cherokee Country within two years pursuant to an agreement between Shawnees and Cherokees, approved by the President June 9, 1869, and wherein it was agreed "that the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation." Said William W. Purcell was married in 1877 to the mother of the above named applicants. Subsequent to his said marriage his wife returned to Kansas, where she acted in the capacity of housekeeper for her widowed father, and while so acting seven children, the applicants in this case, were born. On the death of her father she and her husband returned to the Cherokee Nation in May, 1892. It further appears that the youngest child Mary Hazel Purcell, was born on the 5th day of January, 1896, and is identified by a certificate of birth filed herewith. The other applicants are identified on the Cherokee-Shawnee Pay Roll of 1896.

Said applicants, with the exception of Mary Hazel Purcell, have resided in the Cherokee Nation continuously since 1892 up to and including the date of this application. Said Mary Hazel Purcell is considered to have been a resident therein since her birth as hereinbefore shown.

It is, therefore, the opinion of this Commission that Scroggs Robert Purcell, Hattie Elizabeth Purcell, Harry Wesley Purcell, Charles Henry Purcell, Ada May Purcell, Julia Etta Purcell, James Carlisle Purcell and Mary Hazel Purcell should be enrolled as citizens of the Cherokee Nation of Shawnee blood in accordance with the provisions of Section twenty one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Leling Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1906

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., October 7, 1[illegible].

In the matter of the application of
[illegible] H. Purcell for enrollment
[illegible] citizen of the Cherokee Nation. Cherokee [illegible].

Protest of the Cherokee Nation.

::::::::::::::::::

The representatives of the Cherokee Nation desire to protest against the decision of the Commission to the Five Civilized Tribes, rendered on September 20, 1902, and are firmly of the opinion that if the personal attention of the Commission had been called to the facts in this case, they would not have signed the decision.

The representatives of the Cherokee Nation respectfully request that this decision be forwarded to the Honorable Secretary of the Interior for review.

The testimony shows that Sowers H. Purcell is the child of William H. Purcell; that his father, who was a white man, married a Cherokee woman; that the mother died when the child was twenty-two years of age; that the application was made for him in 1900, which would date his birth back to 1878. It is claimed that the mother was a Cherokee citizen by blood; that she was with the Shawnees from the state of Kansas under the Shawnee-Cherokee treaty in 1871. There is not much to [illegible] to the evidence between that time and his appearance in the Indian Territory in a wild state of nature in 1877. It is stated in the testimony that [illegible] moved to the Cherokee Nation and settled on a farm [illegible] there, and that his father died there; but there is no [illegible] acquired any property, nor that he ever did any work [illegible] the Nation. But on the other hand it is shown that [illegible] lived with his father [illegible] the Indian Territory; [illegible] and [illegible] the [illegible] in the [illegible]

[illegible] left it and it reverted back to the nation do[illegible]. [illegible] child was born in 1878, in Kansas, and his seventh [illegible] in [illegible], his last, or the eighth of these applicants, was [illegible] Cherokee Nation since their return. None of their [illegible] near [illegible] the census roll of 1896, which shows that they were not recognized citizens of the Cherokee Nation by the Cherokee Nation itself. [illegible] these children was not born when the roll of 1880 was made, hence when it was authenticated the National Council determined that he was not a citizen of the Cherokee Nation; but that he was [illegible] citizen of the State of Kansas, and very properly [illegible] to enroll him. His roll was confirmed by the Act of Congress [illegible] given this commission jurisdiction. We contend that although [illegible] father of these children [illegible], if [illegible] order to 1880, does not appear upon the roll that [illegible] necessary to be re-admitted as citizens of [illegible] to the Cherokee Nation.

The Dawes Commission provided: "That the said Cherokee Nation shall [illegible] part of [illegible], or avail themselves in any manner, of all the privileges and franchises of native citizens of the Cherokee Nation; provided, that the said Shawnees shall elect to avail themselves of this [illegible] shall register their names [illegible] permanently located in the [illegible] provided, within two years after the [illegible] thereof, or within they shall forfeit all rights to enter the [illegible]." The testimony clearly shows in this case that the [illegible] children did not permanently locate as provided in the [illegible] in the Cherokee Nation; but upon their [illegible] that [illegible], these children [illegible]. The Cherokee Nation [illegible] a Shawnee [illegible] the Cherokee Nation [illegible] treaty [illegible] children, [illegible] no legal [illegible]

[illegible] by blood; and that he forfeited his right to citizenship by [illegible] without the limits of the Cherokee Nation, to [illegible] Cherokee Indian by blood. The fact that these [illegible] of their Shawnee blood given them no higher [illegible] right than if they were Cherokees by blood. With the exception of [illegible] first two were all born in the State of Kansas, and were clearly at the time of their birth citizens of Kansas; and attention is called to the judgment of the enrollment Commissioner, before whom the first application was made in the field, and to the statement made by the Commissioner in charge at that time. No evidence has been introduced to show that the applicants were re-admitted to the Nation upon their return to the Cherokee Nation; and for the Commissioner stated it is contended that they are not entitled to be enrolled of citizens thereof.

[illegible] the Shawnee [illegible], which requires that the [illegible] be permanently located within the limits of the Nation with [illegible] the [illegible] at the [illegible], they [illegible] citizens of the Cherokee Nation. [illegible] citizenship is not one of residence, but one of [illegible]. The [illegible] following father, [illegible] title to [illegible] property, but the law sets aside [illegible] time. [illegible] state [illegible] live birth to every children, [illegible] every [illegible] government, the constitution of the Cherokee Nation [illegible] the civilized tribes, [illegible] adopted [illegible] Nation, which is equivalent to a [illegible] constitutional amendments in the [illegible] Nation. We cannot allow [illegible] necessary [illegible] or [illegible] Nation.

Respectfully submitted,

W. W. Hastings

Attorney for the [illegible]

Concur:

J. C. Starr

[illegible]

Cherokee D 540.

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Mary Ann Morrison for the enrollment of her eight minor children, Scroggs Robert, Hattie Elizabeth, Harry Wesley, Charles Henry, Ada May, Julia Etta, James Carlisle and Mary Hazel Purcell, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. NO. 56.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 540.

Muskogee, Indian Territory, October 25, 1902.

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

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of Scroggs R. Purcell for the enrollment of himself and his sisters and brothers, Hattie E., Harry W., Charles H., Ada M., Julia E., James C. and Mary H. Purcell as citizens of the Cherokee Nation by Shawnee blood, a copy of which said decision was furnished you on September 29, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

C. R. Breckinridge

~~Acting Chairman.~~
Man in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-540

Muskogee, Indian Territory, January 7, 1903.

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

Dear Sir:-

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of Mary Ann Morrison for the enrollment of her eight children, Scroggs R., Hattie E., Harry W., Charles H., Ada M., Julia E., James C. and Mary H. Purcell, as citizens of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on December 17, 1902.

Respectfully,

Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Leroy G. Purcell & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 20 1902

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IN THE MATTER OF THE APPLICATION OF

Scroggs R. Purcell et al

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A. Original testimony of 1/8/00

B Memo. of application of 1/8/00

C. Birth certificate, Mary H. Purcell

D Notice of final consideration, 3/11/02

E Receipt for testimony

Ea.

F Record of members of Shawnee Tribe who moved to Okla Territory

G Subpoena & order closing test 3/6/02

H Brief for applicant

Cher D 541

D 541

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, Okla., October 8, 1906.

In the matter of the application of Julia Brown for the enrollment of herself and children as Cherokees and her husband as a citizen by intermarriage; being duly examined by Commissioner Kennedy, she testified as follows:

Q. Give me your full name? A. Julia Brown.
Q. How old are you? A. 38.
Q. What is your post office? A. Bartlesville.
Q. In what district do you live? A. Coweskoowee.
Q. What is it you want to come out on the roll? A. My children I guess. My man is a white man.
Q. Did your husband marry you under Cherokee law? A. Yes, sir.
Q. How long since he married you? A. About 18 years.
Q. You and he lived together as husband and wife? A. Yes, sir.
Q. How many children have you? A. Four.
Q. You a Cherokee? A. No, sir, a Delaware.
Q. Are you a full blood? A. Yes, sir.
Q. That is your husband, a white man? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. I don't know how long.
Q. Did you come here with the Delawares? A. Yes, sir, I was little girl.
Q. You have been here thirty years so much a matter here you? A. Yes, sir.
Q. Give me the name of your father? A. His name was William Lenthon.
Q. Did they ever call him Delaware? A. No, sir, that is my step-father.
Q. Your father dead or living? A. He is dead.
Q. How he been dead more than 20 years? A. I think that is the year. He died when I was 8 years old.
Q. Give me your mother's name? A. Her name is Matilda Mooney, that is the last name she had.
Q. Is she alive? A. Yes, sir.
Q. Give me your husband's name? A. Moses L. Brown.
Q. How old is she? A. I guess he must be 50, I don't know.
Q. When did you marry him? A. It must be 15 years ago, I don't know, hardly.
Q. Have you got your marriage license and certificate? A. Yes, sir, he has got it.
Q. This is your husband's name, is it? A. Yes, sir.
The applicant presents a duly [illegible] marriage license issued by the Clerk of Cherokee County, October 8, 1891, for the marriage between herself and husband [illegible] by him, and the certificate shows that they were married on the 10th day of the same month and year by the Clerk of the [illegible]. (This is filed herewith.)
Q. Has your husband lived with you [illegible] since you and he were married fifteen years ago? A. Yes, sir.
Q. Give me now the names of your children, please? A. The oldest one is Maggie, 13 years old.
Q. The next child? A. Laudie, 9 years old.
Q. Now the next child? A. [illegible] years old.
Q. The next child? A. William, 5 years old.
Q. These children all living, are they? A. Yes, sir.
Q. Didn't your husband married with you married you? A. No, sir.
Q. Have you been married about [illegible]? A. Yes, sir, I have been married once before.
Q. That husband alive or dead? A. He is alive.
Q. Have you been divorced from him? A. Yes, sir.
Q. When were you divorced from him? A. It has been quite a good

Julia Bronson - R.

Julia sworn.

Q Have you got a copy of the decree of divorce? A Yes, sir, I did obtain it.

Q What was his name? A John Kinney.

Q You got that decree of divorce before you married this husband, did you? A Yes, sir.

Q What was your name in 1880, 20 years ago? A Kinney, I guess.

(Julia Bronson on 1880 roll, page 127, No. 1335, Joes Keen R, Cooweescoowee district; on 1896 roll, page 358, No. 98, Julia Bronson, Cooweescoowee district. Myron L. Bronson on 1896 roll, page 356 No. 140, Myron Bronson, Cooweescoowee district. Maggie Bronson on 1896 roll, page 359, No. 70, Cooweescoowee district. Luella Bronson on 1896 roll, page 359, No. 71, Lawela Bronson, Cooweescoowee district. James Bronson on 1896 roll, page 359, No. 72, James A. Bronson, Cooweescoowee district.)

The applicant applies for the enrollment of herself, her husband and four children. She is identified on the rolls of 1880 and 1896 as an adopted Delaware, she has lived in the Cherokee Nation for the last thirty years, and she will be listed now for enrollment as an adopted Delaware. Her husband is shown to have married her in November, 1866, in accordance with Cherokee law. She states that she was at that time divorced from her former husband, and can supply the Commission with a copy of the decree. Until this is done her husband will be listed upon a doubtful card as a Cherokee by intermarriage. He is identified with his wife on the roll of 1896, and they have lived together ever since their marriage in 1866. Of the four children, the first three are identified with their parents on the roll of 1896, they are now living, they are children of the present marriage, and they will be listed for enrollment as Delaware-Cherokees, and when the Commission is supplied with a certificate of the birth of the next child, William, he also will be listed for enrollment as a Delaware-Cherokee.

---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 5th of October, 1900.

C. R. Breece

Commissioner.

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 [illegible] March 3,1902.

Commissioner.

...TO THE FIVE CIVILIZED T...
FILED
MAR 13 1902

D641

"R"

Cherokee D 541.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Myron L. Bronson for the enrollment of himself as a Cherokee citizen.

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

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the first day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day to-wit: March 1,1902, appears in person.

MYRON L. BRONSON, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Myron L. Bronson.
Q How old are you? A I am 39.
Q What is your post-office address? A Ochelata.
Q You are an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Can you supply the Commission with evidence of divorce of your wife from her former husband? A Yes sir. (Produces papers.)

BY COMMISSION: There is filed in the case of John V. Kinney, D 579, the following record, signed by B.W.Alberty, Assistant Executive Secretary of the Cherokee Nation:

" Julia Kenny,
9 vs
John Kenny.
(This case against Defend by default,no costs.)
John Bullette,

Executive Office,
Cherokee Nation,
Tahlequah, Ind. Ter.

I, B.W.Alberty, Assistant Executive Secretary of the Cherokee nation do hereby certify that the above is a true copy from the Circuit Court docket, Cooweescoowee District Cherokee Nation, and all that said record show in regard to said case, and said records and docket has been filed in this office, by law andin my custody.
Given under my hane and the seal of the Cherokee Nation this the 24th day of February,1902.

B.W.Alberty,
(seal) Assistant Executive Secretary,Cherokee Nation."

Q Is there any other statement you desire to make relative to the enrollment of yourself as a citizen? A No sir, there is not.
Q Do you submit the case to the Commission for final consideration? A Yes sir,

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit this case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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[redacted]

[redacted]

[redacted]

Cher-D.541.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T. October 21, 1902.

In the matter of the application of Myron L. Bronson for enrollment as a citizen by intermarriage of the Cherokee nation.

Myron L. Bronson being called as a witness and first duly sworn, and examined by the Commission, testified as follows:

Q Your name is Myron L. Bronson? A Yes sir.
Q How old are you? A Forty.
Q What is your postoffice? A Ochelata, I.T.
Q Are you a white man? A Yes sir.
Q Are you applying to be enrolled as an intermarried citizen of the Cherokee nation? A Yes sir.
Q What is your wife's name? A Julia.
Q What was her maiden name? A I don't know; she was a widow woman when I married her.
Q What was her name then? A Nancy. Kinney
Q Was she a Cherokee by blood? A No, a Delaware.
Q How long has your wife been living in the Cherokee nation? A Ever since the Delawares came here; I don't know just when that was.
Q When were you married to her? A In 1886.
Q Were you married under a Cherokee marriage license? A Yes sir.
Q Is Julia your first wife? A Yes sir.
Q Are you her first husband? A No sir.
Q How often had she been married before you married her? A Once.
Q What was the name of her first husband? A John Kinney.
Q Was he a Cherokee? A No, a Delaware.
Q Is he dead or living? A Living.
Q Was your wife divorced from him? A Yes sir.
Q Were they divorced before you were married? A Yes sir.
Q Have you and your wife been lving in the Cherokee nation ever since you were married? A Yes sir.
Q Never been separated? A No sir.
Q Living together now? A Yes sir.
Q Your home has been in the Cherokee nation during all the time you and your wife have been living together? A Yes sir.
Q Have you any children? A Yes.
Q How many? A Four.
Q Are they all living? A Yes sir.

-----o-----

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

Frances R. Lane

Subscribed and sworn to before me this October 28th, 1902.

[illegible]
Notary Public.

Cherokee D-341.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Myron L. Bronson as a citizen by intermarriage of the Cherokee Nation.

DECISION.

—ooo—

The record in this case shows that on October 8, 1900, Julia Bronson appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment, among others, of Myron L. Bronson as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902, and on October 21, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Myron L. Bronson was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on November 10, 1886, to Julia Hamilton, a citizen of the Cherokee Nation of Delaware blood. The said wife, Julia, is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the Cherokee Census roll of 1896. The said Myron L. Bronson is identified on the 1896 Census roll of the Cherokee Nation.

The evidence further shows that Myron L. Bronson has lived with his said wife continuously in the Cherokee Nation from the date of his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Myron L. Bronson should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495); and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Tams Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

ATTORNEYS:
L. B. BELL.
W. W. HASTINGS.
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. 541

Muskogee, I. T. Feb. 20, 1902.

Mr. B. W. Alberty,

Tahlequah,

I. T.

Dear Sir:-

Please examine the Circuit Court record of Coowescoowee District, and send us a certified copy of the decree of divorce between Julia Kinney, and her husband, John Kinney. This occured about fifteen years ago.

Yours very truly,

Bronson Myron L.

Bronson vs Bronson

Abandonment

Says Myron L. Bronson of Q. wife for past 4 or 5 years Q. Pen — Sylvia — Q. of Q. — non-support

No divorce

witness
Julia Bronson
Bartlesville

Mary Adcock
Bartlesville
I.T.

Case No 308

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-641.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Julia Bronson for the enrollment of Myron L. Bronson, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in 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,

Acting Chairman.

Enc. H-208.

IN THE MATTER OF THE APPLICATION OF

Myron L. Bronson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/8/00
B. Memo. of Publication of 10/8/00
C. Marriage license and certificate
D. Notice of final consideration 3/1/02
E. Supplemental testimony and order closing testimony. 3/1/02

4/3/2

See Dawes Packet 77

Denison - E

IN THE MATTER OF THE APPLICATION OF

Myron L. Bronson

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 20 1902

Decree of Divorce
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 5/2/02

of October, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
BARTLESVILLE, I.T., OCTOBER 8th, 1900.

In the matter of the application of Alice Bigheart for enrollment as a citizen of the Cherokee Nation; said Bigheart being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name, please? A Alice Bigheart.
Q How old are you? A 28.
Q What is your post office? A Pawhuska.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want t have put on the r ll, yourself? A Yes, sir.
Q Anybody else? A No, sir.
Q Are you Cherokee by blood? A Yes, sir.
Q Wh t proportion of Cherokee blood do you claim? A I do not really know.
Q How l ong have y u lived in the Cherokee Nation, all your life?
A Yes, sir.
Q Now, give me your father's name, please? A Call him John Grass. His real name is McIntosh.
Q Is he alive or dead? A He is alive.
Q Give me your mother's name, please? A Her name is Jennie.
Q Is she alive or dead? A Alive.
Q You have been married have you? A Yes, sir.
Q When were you married? A 13 years ago.
Q To whom were you married? A James Bigheart.
Q Is he dead or alive? A Alive.
Q Is he a white man or Cherokee? A Osage.
Q Do you live with him in the Osage Nation? A Yes, I live with him. I have no interest over there at all.
Q How long have you made your actual home in the Osage Nation? A
A About eight years.
Q Are you admitted to enrollment in the Osage Nation? A No, sir.
Q They treat you there as a Cherokee citizen? A Yes, sir.
Q And your marriage to an Osage, does not entitle you to enrollment in the Osage Nation? A No, sir.
Q You own property in the Cherokee Nation? Yes.
Q You have a farm haven't you? A Yes, sir.
Q Have you kept that ever since you have been married? A Yes, sir.
1880 enrollment; page 109, #1245, Alice Grass, Cooweescoowee.
1896 enrollment; page 116, #526, Alice Bigheart, Cooweescoowee.

WILLIAM JOHNSON, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give you name? A William Johnson.
Q Your post office? A Bartlesville.
Q Mr. Johnson, you are acquainted with this lade, Mrs. Alive Bigheart? A Yes, sir.
Q Did you know her before her marriage to her husband, as Alice McIntosh or Alice Grass? A About that time, yes, sir.
Q And that she is the same person who is identified on the roll of 1880 as Grass? A Yes, sir, I know that she has always been claimed and recognized by her kin folks as Grass or McIntosh.
Q You know as matter of own information that the person, Alice Bigheart, was before her marriage known as Alice Grass? A Yes, sir.

Com'r Breckinridge:--The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee. She states that she was born in the Cherokee Nation and has lived in the Cherokee Nation all her life. Her husband is said to be the Chief of the Osage Nation, to whom she was married some 13 years ago, and she lives and has lived for a number of years in the Osage Nation. She states that during

this time she has owned property in the Cherokee Nation and that she is not recognized in the Osage Nation as a citizen of that Nation, or permitted to register there. Undoubtedly under the practice and customs as far as revealed of the Indian policy, she would be considered as a Cherokee citizen, but for the further consideration of the restrictions placed upon this Commission by Article 21 of the Curtis Bill, in regard to actual residents within the Cherokee Nation, her application will, for the present, be placed upon a doubtful card, and the final decision of the Commission will be communicated to the applicant at her post office address.

---oooOOOooo---

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

J. O. Rosson

Subscribed andsworn to before me this 10th day of October, 1900.

C. H. Hunter

Commissioner)

"F"

B 542.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Alice Stewart, for the enrollment of herself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that her application to be enrolled as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 1st day of March, 1902.

Applicant this day, to-wit: the 1st day of March, 1902, appears by her Agent J. M. Sequichie.

Do you submit this case to the Commission for final consideration ?

Mr. Sequichie: Yes sir.

The agent for the applicant and the representative of the Cherokee Nation present submit that case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

Cherokee D 542.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice Bigheart for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 8, 1900, Alice Bigheart appeared before the Commission at Bartlesville, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that Alice Bigheart is a Cherokee by blood and is identified as such by the name of Alice Grass on the 1880 authenticated Cherokee roll and under her present name on the Cherokee census roll of 1896.

The evidence further shows that she resided in the Cherokee Nation all her life up to about 1892; that in 1887 she married James Bigheart, a member of the Osage tribe of Indians, and that since 1892 she and her said husband have lived in the Osage Nation, Oklahoma; that she has never severed her tribal relations with the Cherokee Indians nor assumed the citizenship of her husband in the Osage Nation, nor is it shown that she has ever removed with her effects from the Cherokee Nation. It does appear, however, that she has maintained possession and control of a farm in the Cherokee Nation continuously since 1887, which was prior to her removal to the Osage Nation.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Clement G. Clarke, et al., (I.T.D. 1370-1903), that Alice Bigheart should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 10 19

Copies of this letter were sent to,

| | | |
|---|---|---|
| William Daniel, | Vinita, | I. T. |
| Jess Cochran, | Chelsea, | " |
| J. Horsefly, | Vinita, | " |
| M. W. Couch, | Chelsea, | " |

ATTORNEYS
L. B. BELL.
W. W. HASTINGS.
JAMES S. DAVENPORT
J. C. STARR SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE PARENTAGE ENROLLMENT

e 542

Muskogee, I. T. Feb. 20, 1902.

Dear Sir:-

A woman by the name of Nancy Ichlebury, whos maiden name was Nancy Rogers, has applied to the Commission for enrolment. She States that her fahter's name was "Ahostolar", and that his English name was William Rogers. This Woman's Mother's name was Lucindia Rogers. This man, William Rogers, died Befor the year 1880, and then Lucindia Rogers married Jacob Dick, and her name appears on the roll of 1880, as Lucindia Dick, inter-married white. The name of Nancy Ichleburg, or Nancy Rogers, as would be her maiden name, does not appear upon the roll. We desire to now something of the citizenship of William Rogers, as he died before the year 1880, and also of the marriage of Lucindia Rogers to William Rogers. Please make inquiry about this matter, and advise us what you know about it, especially as to the marriage of Nancy Ichleburg's mother to this man, William Rogers, and especially as to the citizenship of William Rogers.

Yours truly,

ATTORNEYS:
I. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D. C. D. 542

Muskogee, I. T., Feb. 20, 1902.

Mr. O. A. Mitchner,

U. S. Indian Agent,

Pawhuska, Okla. Ter.

Dear Sir:

Alice Bigheart, wife of Jim Bigheart, has applied for enrollment as a citizen of the Cherokee Nation. She states that she has been living in the Osage Nation for a number of Years, but that she has not received any land in that Nation, nor any annuities. Will You kindly advise us if she has received an allotment of land as an Osage, or that her name appears upon Your annuity rolls. If You find her name either upon Your allotment registers or upon Your annuity rolls kindly furnish us a certificate to that effect.

Yours truly,

418

# Department of the Interior,

U. S. INDIAN SERVICE,

PAWHUSKA, O. T.

Feby. 27, 1902

FEB 24 1902

J. E. Starr

Muskogee Ind. Ter.

Sir:-

In reply to your letter of the 20th inst would say that the wife of James Bigheart an Osage Indian, is considered here as being a Cherokee woman and she is not on the Osage rolls nor do I think that any effort has ever been made to have her enrolled as an Osage. No allotments have ever been made on the Osage reservation, consequently she has no allotment of land here.

Very Respectfully

O. A. Mitscher

U. S. Indian Agent.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE,
W E STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 542

Muskogee, Indian Territory, March 10, 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 10, 1904, granting the application of Alice Bigheart for enrollment as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Commissioner in Charge.

Encl. W-19.

IN THE MATTER OF THE APPLICATION OF

Alice Bigheart

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

FEB 20 1902

IN THE MATTER OF THE APPLICATION OF

Alice Bigheart

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/8/00.
B. Memo of application of 7/8/00.
C. Notice of final consideration, 3/1/02.

March 31, 1904. Cancelled and record transferred to Inherited No. 107.

Cher D 543

Cher D 543

2543

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
BARTLESVILLE, I. T., OCTOBER 8th, 1900.

IN THE MATTER OF THE APPLICATION OF Nancy Ikealbury for the enrollment of herself and children as citizens of the Cherokee Nation, and she being sworn and examined by Cross-examined, G. R. Breckinridge, testified as follows:

Q Give me your full name? A Nancy Ikealbury.
Q How old are you? A Twenty five.
Q What is your Postoffice? A Oolahata.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the rolls? A Myself.
Q Any one else? A My children.
Q Your husband? A No sir; he is adopted.
Q How long since you were married? A Two years.
Q How many children? A Four.
Q This husband only married you two years ago? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me your father's name? A William Rogers.
Q Is he dead or living? A Dead.
Q How long has he been dead? A About twenty years.
Q Give me your mother's name please? A Lucinda Rogers.
Q Is she living or dead? A Living.
Q Have you ever been married except to your present husband?
A Yes sir.
Q What was the name of your first husband? A George Steele.
Q Was he a Cherokee or a white man? A Cherokee.
Q Is he dead or living? A Dead.
Q When did you marry him? A About eight years ago.
Q When did he die? A He has been dead seven years.
Q Did you live with him from the time of your marriage until he died? A Yes sir.
Q About one year? A Yes sir.
Q And you second husband is your present husband? A Yes sir.
Q What is the name of your present husband? A James Ikalbury.
Q He is a white man, is he? A Yes sir.
Q Now give me the names of your children please? A John Steele.
Q How old is he? A Eight years old.
Q Now the next child? A William Steele.
Q How old is he? A Seven.
Q Next child? A Myrtle Steele.
Q How old is she? A Four years old.
Q What is the name of the next child? A Nealie Ikealbury.
Q How old is that child? A Ten months old.
Q Are these children all living now? A Yes sir.
Q Did your mother ever marry after your father's death?
A Yes sir.
Q When did she marry? Is she still living? A Yes sir.
Q Is she living with her husband? A No sir.
Q Who was her husband after your father's death? A John Lula.
Q Did you ever live with your step father? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Is your mother a white woman? A Yes sir.

By the Commission:
Q Is there any one here who knew you when you were a child?
A No sir; I think not.
(1896 Roll, Page 261, #4583, Nancy Stealer, Coowescoowee Dist)
(Roll of 1880 examined, and the applicant is not found thereon)
(1896 Roll, Page 261, #4584, Jolunda Stealer, Coowescoowee District)
(1896 Roll, Page 261, #4584, Willie Stealer, Coowescoowee Dist)

Testimony of Johnson, being sworn and examined by Commissioner, C. R.
Applicant being duly sworn as follows:
Q [illegible] C. Hudson.
A [illegible]
Q [illegible]
Q What is your [illegible]? A [illegible]
Q Are you the husband of the applicant herein? A Yes Sir.
Q What was her name when you married her? A Nancy Stanie, she
told me.
Q Do you know anything about when she was and where she was a citizen
A No Sir.
Q Do you know anything about your father-in-law? A [illegible]
right over here about twelve miles.
Q Have you a certificate of marriage to hand? A No sir; I married
her three years ago this next month, and Mark Jackson married us;
He did not return the papers; I was at Tahlequah, and when I got back
I did not call for them; I went many times, but when I came back
Mr. Jackson had died.

By Mr. W. W. Hastings, Cherokee Representative:
Applicant recalled:
Q Who did you say your father was? A Will Rogers.
Q Is he living? A No sir.
Q Do you remember him? A No sir; I was a little child.
Q You were just told he was your father? A Yes sir; my mother
told me.
Q Do you know the Will Rogers you have referred to was a Cherokee
or not? A I heard so.
Q Your mother was a white woman? A Yes sir.
Q Was she ever married to William Rogers? A Yes sir; I have been
[illegible].
Q You have been told that? A Yes sir; I had a sister here a
while ago.
Q Do you know whether the William Rogers you claim as your father
is living? A No sir.
Q Where were you when you were born? A On Tahlequah.
Q A few miles this side of Tahlequah? A [illegible]
Q Your father and mother were living there [illegible]? A Yes sir.
Q You do not remember your father? A No sir.
Q Your mother has since married? A Jack Hill.

By the Commissioner:
Q Have you been married three times? A No sir.
Q Did you never live with a man named Barnett? A No sir.
Q Did he ever claim you as his wife? A No sir.
Q Did you ever know of a man by this name? A Yes sir; he is
dead.
Q Did you live only one year with your husband, Stanie?
A [illegible] years; I made a mistake.
You told me you married your husband Stanie eight years ago, and
the testimony shows he died seven years ago; [illegible] only 5
years for you to have lived with him; [illegible] wrong in
that the records show how long did you live with your husband his wife; did
you live longer than one year with your husband? A Yes sir.
Q How long did you live with him? A [illegible]
Q Then you made a mistake in a year at least? A Your first state-
ment; maybe he died [illegible] years ago. I [illegible] Yes sir.
Q About five or six years, or something like that? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Was your first husband a citizen; a Cherokee citizen by blood?
A Yes sir.

[illegible]

By the [illegible] not [illegible] for the enrollment of [illegible] and four [illegible] the [illegible] applies for the enrollment of herself and her children, and has [illegible] the [illegible] and [illegible] she is identified as [illegible] [illegible] she states that [illegible] [illegible] and [illegible] her husband [illegible] Cherokee, and that [illegible] he died before the roll of 1880 was [illegible] [illegible] any [illegible]

Her husband's name is not on the roll of 1880 [illegible] [illegible] further, [illegible] [illegible] Her two children [illegible] [illegible] marriage, are identified with her on the roll of 1880 [illegible] living at [illegible] and will be listed [illegible] a Dawtrul Card.

When certificates of birth are supplied for [illegible] [illegible] they will be younger children, Myrtle Brooks and [illegible] Dawtrul Card, listed with their mother upon a Dawtrul Card.

She states that her first husband, George W. Brooks, now deceased, was a Cherokee by blood, but he is not identified on the roll of 1880. He has been dead about twelve years.

---

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

[illegible]

Subscribed and sworn to before me this 9th day of October, 1906.

[illegible]

NOTARY PUBLIC.

D 543

Department of the Interior.
Commission to the Five Civilized Tribes.
Bartlesville, I. T., October 9, 1900.

D-648.

Supplementary testimony in the application for enrollment of Nancy Echelbury as a Cherokee citizen. Witness, Jacob Dick, being sworn and examined by Commissioner Breckinridge, testified as follows: Interpreter, S. Walkingstick.

Q What is your name? A Jacob Dick.
Q How old are you? A About 48.
Q What is your postoffice? A Ochelata.
Q How long have you lived in the CherokeeNation? A All his life.
Q Do you know this woman here? A Yes sir; She's a stepdaughter of mine.
Q What is her present name? A Nannie Echelbury.
Q Is her husband your son? A No, this woman is his step-daughter
Q She's the daughter of your wife, issha? A Yes sir.
Q By a former husband? A Yes sir.
Q What was the name of her father? A Ahstolerter.
Q What was his English name? A William Rogers.
Q Was he a Cherokee? A Yes sir, he was a Cherokee. Came with the Cherokees years ago.
Q When in '38? A He was an old settler prior to that time.
Q Was he a full blood? A Yes sir, full blood.
Q When did he die? A Something over 20 years I think.
Q What was the name of this woman's mother? A Lucinda Rogers.
Q Is she the mother of this woman? A Yes sir.
Q She's married to another man is she? A Yes, she's living with me now.
Q Shais a white woman, is she? A Yes sir.
Q Does he know that she was the wife of William Rogers? AYes sir, I know that they lived near me for quite awhile.
Q How long has she been your wife? A Been married about 21 years.
Q She married you then very soon after Rogers died? A Yes sir.
Q And was this woman always recognized as the lawful child of that marriage between your wife and William Rogers? A Yes sir, recognized as a child of that marriage.
Q How long did your wife live with Rogerasa his wife? A Couldn't say what length of time. They moved up there to where he lived near Vinita. They had one other child, and while they were living there this woman was born.
Q Had Rogers ever been married before? A Not that I know of.
Q Does he know whether his wife had ever been married before? A She had told me she never married any other man besides Rogers.
Q Is your wife on the roll of 1880? A I suppose so.
Q How old is your wife now? A Couldn't say exactly. She's over 40 years old.
Q Is this the wife you had in 1880 when you were enrolled?
A. I think so, we have been married twenty-one years.
1880 roll, page 90, #813, Lucy Dick, Gooweesdooqwee.
Q And he knew this woman's father, did he, as a recognized Cherokee by blood? A Yes sir, I knew that.

By the Commissioner to applicant.

Q Give me your full name? A Nancy Echelbury.
Q Your name was Nancy Rogers when you were a child? A Yes sir.

By the Commissioner to the above witness.

Q Did you give in this woman's name in 1880when you enrolled?
A Don't remember whether I did or not.

By the Commissioner.
The mother of this woman, Nancy Echelbury, is now identified

[illegible]

[illegible]

[illegible]

[illegible]

"R"

D 546

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Thomas W. Baker, for the enrollment of himself and child as citizens of the Cherokee Nation:

Applicant represented by A. M. Calloway, Claremore, I. T.
W. W. Hastings, for the Cherokee Nation.

Applicant and his attorney were notified by registered letter on February 12, 1902, that the application of Thomas W. Baker, for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902; and that they could on said day appear and introduce any further testimony affecting this application.

Receipt has been acknowledged of the Commission's letter by the attorney for the applicant and by the applicant himself.

They having this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond, it is directed that this case be closed, and the same reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

D543

Before THE FIVE CIVILIZED TRIBES COMMISSION

FILED
MAR 13 1902

ACTING CHAIRMAN.

Commission of.

Appearing and sworn before me this 2nd day of March, 1902.

_____

Notary Public.

BY COMMISSION: The applicant and the Chickasaw Nation, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes in the Choctaw Nation and that the foregoing is a correct transcript of the testimony and proceedings in this case and that the foregoing is a correct record of the evidence and report to the Commission, based upon the evidence now of record.

_____

Stenographer.

"R"

Cherokee D 543.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Nancy Icklebury for the enrollment of herself and children as Cherokee citizens.

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

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that her application for the enrollment of herself and children would be taken up by the Commission for consideration at its general offices at Muskogee, Indian Territory, on the first day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the first day of March,1902, appears in person.

NANCY ICKLEBURY, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Nancy Icklebury.
Q How old are you? A 27.
Q Where do you live?A Ochelata.
Q In the Indian Territory? A Yes sir.
Q Your mother's name Lucy DNck? A Yes sir.
Q What was your father's name? A My father was a Rogers.
Q Is there any statement you desire to make relative to your application for enrollment? A (No reply.)
Q Have you any affidavits as to the births of the two children, Myrtle Steel and Nellie Icklebury? A Yes sir.

J.C.ICKLEBURY, being first dulysworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A JeC.Icklebury.
Q How old are you? A I am 39,years old the first day of next June.
Q Where do you live? A Ochelata.
Q Are you the husband of the applicant in this case? A Yes sir.
Q Have you the affidavits as to the births of your two children, Nellie and Myrtle? A No, not to Myrtle I have not.
Q Let me see what you have? A (I have got affidavit of Pearl.
Q Affi davit as to Pearl has been filed, but we want affidavits of Nellie and Myrtle? A Nellie at the time she was born lived over here in Oklahoma in a railroad town and the parties that waited on us at that time I don't know where they are at; but Myrtle is got an affidavit here, there is a man right here with me at the time that she give birth fo her right at his house.
Q You will have to have those affidavits executed and presented to the Commission? A We have got a witness right here as to the birth of Myrtle; I have got proofhere to her birth.
Q Any further statement you desire to make relative to the enrollment of your wife and children as citizens of the Cherokee Nation?
A No sir.
Q Do you submit the case to the Commission for final consideration?
A Yes sir, I suppose I will unless there is something in there that ought not to be.

NANCY ICKLEBURY, re-called and further examined, testified as follows:
BY COMMISSION:
Q Do you submit this case in your own behalf and in behalf of your children to the final consideration of the Commission? A Yes sir.

[illegible]

IT [illegible]

[illegible]

---

[illegible], being first duly sworn, [illegible] that [illegible] to the Fire Civil [illegible] and proceedings [illegible] true and complete transcript of [illegible].

[illegible]

Subscribed and sworn to before me this March 3, [illegible].

Commission [illegible]

No. 7 1902

Q Cows are not household effects; did they take their furniture and household goods? A Yes they took their furniture.
Q Since they came back in March of 1899, have they lived here continuously? A Yes sir.

JAMES C. ICKLEBERRY, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A James C. Icklebery.
Q How old are you? A I don't know exactly, right in the neighborhood of 40 years old.
Q Your post-office address is Oakalet? A Yes sir.
Q You live in Goweseenowee District? A Yes sir.
Q You are the husband of Nancy Icklebery? A Yes sir.
Q When were you married to her? A It will be four years ago along this month sometime, I don't just remember.
Q After your married to her how long did you live in the Cherokee Nation with her? A I don't just remember, but the same fall we got married we went over in Oklahoma.
Q Did you move over there? A No sir, I went over there to work.
Q Did you take your household goods with you? A We didn't have nothing to take, only some bedclothes; hadn't bought nothing yet.
Q What did you leave behind you in the way of property? A Two cows and two calves and a sow and some pigs.
Q How long did you stay in Oklahoma when you went there four years ago? A Between four and five months.
Q What month did you return? A In March, 15th, I think it was the middle of March.
Q March of what year? A 1899.
Q Since your return in March 1899 have you lived continuously with your wife and family in the Cherokee Nation? A Yes sir.
Q You are still living here with yourfamily, near Oakalet? A Yes sir.
Q Did you go to Oklahoma with the intention of making that your home? A No sir, no sir, couldn't get possession of her place here until spring, and went out there to work until spring.

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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.

Subscribed and sworn to before me this November 4, 1902.

Notary Public.

Cherokee # 543.

Department of the Interior,
Commission to the Five Civilized Tribes,
Dewey, I. T., October 17,19 02.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of NANCY ICKLEBERRY, et al., for enrollment as citizens by blood of the Cherokee Nation;

LUCINDA DICK, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A Lucinda Dick.
Q How old are you? A 47.
Q What is your post-office address? A Ochelata, I. T.
Q You live in Cooweescoowee District? A Yes sir.
Q You are a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q You are the mother of Nancy Ickleberry, are you not? A Yes sir.
Q Who was Nancy's father? A William Rogers.
Q He was a Cherokee by blood, and you are a white woman? A Yes sir.
Q When were you married to him? A I was married to him in '70 or '71, I can't tell you which; I have been married thirty years ago, I was married by a preacher, old man Jim Ketchum, a Delaware.
Q By William Rogers you had how many children? A Two.
Q What are their names? A Emma and Nancy.
Q What is Emma's name now? A Emma Daniels.
Q How old is she? A 29.
Q She is the wife of George Daniels, a Cherokee by blood, who lives near Bartlesville? A Yes sir.
Q Nancy is how old? A 27.
Q Your husband William Rogers died before 1880? A Yes sir.
Q And before 1880 you married again? A Yes sir.
Q Who did you first marry after the death of William Rogers?
A John Lula, a Full blood Cherokee.
Q When did he die? A I could not tell you just when, how long it has been; I only lived with him about six months.
Q Then who did you marry next? A Jacob Dick.
Q You married him before 1880? A I married him I think in the year of 1880.
Q Were you ever married before you married William Rogers? A No sir.
Q Was he ever married before he married you? A Yes, I expect he had been married several times, he hadone child when I married him, he had no living wife when I married him.
Q Have you any recollection how your two children, Nancy and Emma were enrolled on the 1880 roll? A No sir, I have no idea; I had nothing to do with it myself.
Q They always went by the name of Rogers when they were children? A Yes sir.
Q They always lived with you in the Cherokee Nation? A Yes sir.
Q Was Nancy ever called Hannah? A Never was that I know of, just Nancy, that's all.

1880 authenticated roll of citizens of the Cherokee Nation examined and witness identified on page 8-- No.816, Lucy Dick, I.W.28 years old, Cooweescoowee District, wife of Jacob Dick.
(Taken from printed copy 1880 Roll.)

Q Did your two daughters live with you when you were married to Jacob Dick in 1880? A Yes sir.
Q They never lived with any one else when they were children? A No sir.
Q William Rogers was always recognized as a Cherokee by blood, was he? A Yes sir.

JACOB DICK, being sworn and examined, testified as follows:
Through sworn interpreter:
BY COMMISSION:

Q What is your name? A Jacob Dick.
Q How old are you? A Says he don't know, he was quite a little baby at the first old Settlement. ('51).
Q What is your post-office address? A Ochelata, I. T.
Q You live in Cooweescoowee District? A Yes sir.
Q Are you a Cherokee by blood or Delaware? A Says he is a Cherokee.
Q You are the husband of Lucinda Dick, she has just testified? A Yes sir.
Q Did you know Lucinda, your present wife, at the time that she was living with William Rogers, as his wife? A I knew her when they first moved to that part of the country.
Q You don't know of your own knowledge whether or not they were lawfully married by a preacher? A Says he don't know only just what Will told him, that they was married by a Delaware preacher.
Q How long did they live together as husband and wife? A They lived near me one year before he died, and they lived together as man and wife during that time.
Q Was this child Nancy born while William Rogers and Lucinda Rogers were living near you and living together? A Yes sir.
Q Was William Rogers always recognized as a Cherokee Indian by blood A He says he was Cherokee, and talked the language, and looked like a Cherokee.
Q Did you have these two children, Emma and Nancy Rogers enrolled in 1880, when Dick Duck and John Hicks were taking the census? A Yes sir.
Q What name did you give in foreach one of these children at that time? A I told Dick Duck that the oldest one they called her in Cherokee Jennie, but the English name was Emma Rogers, and the other one, told him her name was Nancy Rogers, I don't know how they put it down.

1880 authenticated roll of citizens of the Cherokee Nation examined for Nancy and Emma Rogers,
page - - No. 2488, Emma Rogers, native Cherokee, Cooweescoowee District, aged 13 years; (?)
page - - No.2489 Hanna Rogers, native Cherokee, Cooweescoowee district, aged seven years. (?)

LUCINDA DICK, being re-called and further examined testified as follows:
BY COMMISSION:

Q Your daughter Nancy Ickleberry, and her husband, where have they been living for the last four or five years? A They have been living right there wherethey are now, for the last three years, since they came backp they come back from Oklahoma three years ago, and have been living there at Ochelata three years, they have only been married four years.
Q When did they first go to Oklahoma? A I don't know what time it was, in the fall, this fall four years ago, in November.
Q Had your daughter ever lived outside of the Cherokee Nation before that time? A No sir, never had been out.
Q And when did they come back to the Cherokee Nation from Oklahoma? A Three years ago, last March, since they come back, they were just out one winter.
Q You are sure it was in November four years ago, they went out there? A Yes sir.
Q That would be 1898? A I guess it was, it was four years ago.
Q Did they take their household effects out there at the time? A I don't think they did, I know they didn't take everything; they left two cows.

Q Cows are not household effects; did they take their furniture and household goods? A Yes they took their furniture.
Q Since they came back in March of 1899, have they lived here continuously? A Yes sir.

JAMES C. ICKLEBERRY, being sworn and examined, testified as follows:

BY COMMISSION:
Q What is your name? A James C. Ickleberry.
Q How old are you? A I don't know exactly, right in the neighborhood of 40 years old.
Q Your post-office address is Ochelata? A Yes sir.
Q You live in Cooweescoowee District?A Yes sir.
Q You are the husband of Nancy Ickleberry? A Yes sir.
Q When were you married to her? A It will be four years ago along this month sometime , I don't just remember.
Q After your married to her how long did you live in the Cherokee Nation with her? A I don't just remember, but the same fall we got married we went over in Oklahoma.
Q Did you move over there? A No sir, I went over there to work.
Q Did you take your household goods with you? A We didn't have nothing to take, only some bedclothes; hadn't bought nothing yet.
Q What did you leave behind you in the way of property? A Two cows and two calves and a sow and some pigs.
Q How long did you stay in Oklahoma when you went there four years ago? A Between four and five months.
Q What month did you return? A In March, 15th, I think it was the middle of March.
Q March of what year? A 1899.
Q Since your return in March 1899 have you lived continuously with your wife and family in the Cherokee Nation? A Yes sir.
Q You are still living here with yourfamily, near Ochelata? A Yes sir.
Q Did you go to Oklahoma with the intention of making that your home? A No sir, no sir, couldn't get possession of her place here until spring, and went out there to work until spring.

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

M D Green

Subscribed and sworn to before me this November 4,1902.

Tester
Notary Public.

Cherokee D #543

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

In the matter of the application of Nancy Ickelbury for the enrollment of herself and minor children, John, William and Myrtle Stealer, and Nellie and Pearl Ickelbury, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 8, 1900, Nancy Ickelbury appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of herself and minor children, John, William and Myrtle Stealer, and Nellie Ickelbury, as citizens by blood of the Cherokee Nation. On August 31, 1901, a birth affidavit was filed with the Commission showing the birth of Pearl Ickelbury on August 7, 1901. Further proceedings in the matter of said application were had at Bartlesville, Indian Territory, on October 9, 1900, at Muskogee, Indian Territory, on March 1 and June 13, 1902, and at Dewey, Indian Territory, on October 17, 1902.

The evidence shows that the said Nancy Ickelbury is the daughter of Lucinda Dick, a white woman, by her former husband, William Rogers, a citizen by blood of the Cherokee Nation. It appears from the evidence that the said William Rogers died in 1877 and before the 1880 roll was made; but the evidence shows that the said William Rogers was a recognized citizen by blood of the Cherokee Nation.

The evidence further shows that the said John, William and Myrtle Stealer and Nellie and Pearl Ickelbury are all the minor children of the said Nancy Ickelbury, and that the said Nancy Ickelbury is identified on the 1880 authenticated roll of the Cherokee Nation, with her sister, Emma Rogers, under the name of Hanna Rogers. She is also identified on the 1894 Strip payment roll and the 1896 census roll of said nation. The said John and William Stealer are identified on the 1896 census roll of the Cherokee Nation, and the said Myrtle Stealer, Nellie Ickelbury and Pearl Ickelbury are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that the applicant, Nancy Ickelbury, was born in the Cherokee Nation and has resided therein continuously up to and including June 28, 1898; and the residence of all the minor children, applicants herein, is considered to be the same as that of their mother, the said Nancy Ickelbury.

No. 3 Pet.

It is, therefore, the opinion of this Commission that Fanny Takelbury, John Steeler, William Steeler, Myrtle Steeler, Nellie Takelbury and Pearl Takelbury should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-seven 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
Acting Chairman.

SIGNED: T. B. Needles
Commissioner.

SIGNED: C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this MAR - 2 1903

Chelsea I.T.
Nov 22, 1902.

Members of Dawes Com.
Muskogee I.T.

Dear Sir:- Your inquiry of 20th inst met my memory with much difficulty.

I have forgotten what year it was when I took the Census of the Cherokees by blood; but in the meantime I heard that Jacob Dick had married a white woman and I went and enrolled him only. ~~This~~ This woman



had two children but knowing they were white I asked no questions concerning them. Jacob Dick then lived on Pawnee near Vinita. There used to be a Nowe family living near Vinita ~~Fab~~ near or about Schrimshers hill, as it was so called, but I do not remember whether they were whites or Cherokees. James Horsefly perhaps knows more all about that family as he lived near in that community.



them.

I do not remember about their families unless I could consult Jacob Dick from memory I think I could to refresh my memory.

Respectfully
[illegible]

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
R. HREN KINNIDOOR
ALLISON L. ACKLESWORTH
TERRITORY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-543

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Nancy Ickelbury for the enrollment of herself and her minor children, John, William and Myrtle Stealer and Nellie and Pearl Ickelbury, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. M-3168

IN THE MATTER OF

Nancy [illegible]

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Question of citizenship

FEB 20 1902

1 — We should require positive proof of marriage of Nancy's mother to her father — Second — We should require positive proof of citizenship of Nancy's father

[illegible]

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Cher D 544

D544

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., [illegible] 1896.

IN THE MATTER OF THE APPLICATION OF [illegible] for the enrollment of himself, wife and grand child for enrollment as citizens of the Cherokee Nation, and [illegible] by Commissioner [illegible] A. Breckinridge, [illegible] as follows:

Q What is your full name? A Wallace [illegible].
Q How old are you? A About fifty one years old.
Q What is your post-office? A Bartlesville.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll: do you apply for yourself: Are you a Cherokee? A No sir.
Q Do you apply for your wife? A Yes sir.
Q How many children? A She has one grand child: She has no children.
Q Is your wife a Cherokee by blood? A She is a Delaware.
Q How long has she lived in the Cherokee Nation? A Thirty years I reckon; ever since the Delawares came here.
Q How old is she? A Fifty one.
Q What is her name? A Mary Thursday.
Q What was her name when you married her? A Anson.
Q How long since you married her? No response - hands paper to Commissioner.

The applicant presents a license, issued by the Clerk of Coowescoowee District, October 11th, 1887, authorizing his marriage to Mary Anderson, and the certificate shows that they were married in accordance with said license on the same date, by the Clerk of the District. This is filed herewith.

Q What are you; a colored man? A One half Creek and one half colored.

By Mr. W. W. Hastings, Cherokee Representative:
Q Are you part Creek? A Yes sir.
Q Are you a recognized citizen of the Creek Nation? A No sir; of the Cherokee Nation.

By the Commission:
Q Do you apply for yourself then? A Yes sir.
Q Have you and your wife lived together ever since you were married in 1887? A Yes sir.
Q Was her name Anderson in 1886; twenty years ago? A I can not tell you: I have had her twenty years.
Q Do you know what her name was before it was Anderson? A No sir; I can not tell you.
Q Now give me the name of this grand child? A Sam Rob.
Q How old is he? A Fifteen years old.
Q What is the name of his mother? A I do not know.
Q Is this child an orphan? A Yes sir.
Q Was his mother a daughter of your wife? A No sir; her son's boy.
Q What is the name of the father? A Wild Bill.
Q He is dead, is he? A Yes sir.
Q How long has he been dead? A About eight years ago I think.
Q Was this child's mother a Cherokee woman? A No sir.
Q What woman, was she? A Delaware.
Q Was she a full blood? A I do not know.
Q You do not know her name? A I did know it; I have forgotten it.
Q Was his father regularly married to this boy's mother? A I do not know.
Q What was she? A She was one half colored I think.
Q What else? A I do not know.
Q Give me her name? A Alena Angela.

(1886 Roll, page 90, dot, Mary Anderson, (Coowescoowee D'ct)
(1896 Roll, page 244, dot, Mary Thursday, (Coowescoowee D'ct)
(1896 Roll, page 244, dot, Alena Angela.

Geowesseowee District)
(1896 Roll, Page [illegible], [illegible], Samuel Bob, Geowesseowee Dist)
(1880 Roll, Page 59, #45, Willie Bob Anderson, Geowesseowee District)

Q This grand child is living now, is he? A Yes sir.

Mr. J. B. Parker, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your full name? A J. B. Parker.
Q What is your age? A Fifty two.
Q How long have you lived in the Cherokee Nation?
A About thirty two years.
Q You are one of the official witnesses here for the Cherokee Nation, are you not: Interpreter? A Yes sir.
Q Did you know Wild Bill Anderson, the son of Mary Anderson?
A I knew Wild Bob or Wild Bill; yes sir.
Q Her son? A Yes sir.
Q A son of this applicant's wife by a former marriage? A Yes sir.
Q He's dead now? A Yes sir.
Q Been dead about eight years? A Yes sir.
Q Was he married before he died? A I do not know.
Q Did you ever know the woman, Alena Akquah, that was said to be his wife? A Yes sir; but I do not know it to be a fact.
Q What was she? A I do not know: She might have been part colored and part white.
Q Do you know whether she lived with him as his wife?
A I do not know.
Q Do you know whether they lived together at all?
A No sir; I do not.

Applicant recalled:
Q What do you know about their living together as husband and wife? A They were living together.
Q They were living together to the time of her death, were they?
A Yes sir.
Q Did she die before he did? A Yes sir.
Q Do you know they lived together before this boy was born?
A I do not know: He brought her home when the kid was born, and said that was his wife.
Q Did you know Wild Bill all his life? A Yes sir.
Q Did he ever claim any other woman as his wife? A No sir.
Q And he brought this woman to your house and said she was his wife? A Yes sir.
Q Did you hear of their having married? A Yes sir, but I did not ask how they lived together; Indian fashion; old fashion or how.
Q You never heard of him living with any other woman as his wife?
A No sir.
Q Any fashion? A No sir.
Q Did you ever hear of ~~any~~ ~~[illegible]~~ this woman living with any other man? A ~~No sir.~~ I do not know anything about it. That is further than my knowledge went.

By Mr. W. W. Hastings, Cherokee Representative:
Q Did he ever have any other children by this woman? A He has a girl.

Q By the Commission? A Is she married? A Yes sir.
Q Did he ever have any other children by this woman he claimed?
A No sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q What is the name of this other child he claimed? A Lizzie Bob.
Q Is she married? A Yes sir.
Q To whom? A I have forgotten his name: There he stands with his

[illegible]

[illegible] there against [illegible] proceeding?

Q [illegible] the only child [illegible] wife; this [illegible]

A [illegible] they are the [illegible] children [illegible] he had.

Q [illegible] by the [illegible] sir.

By the Commissioner:

Q [illegible] child, [illegible] younger than the [illegible]

A [illegible] Yes.

The applicant applies for the enrollment of himself, his [illegible] and a grand child of his wife [illegible]. His wife is identified on the rolls of 1880 and 1896, as an adopted Delaware. Her change of name is established by the marriage license and certificate filed herewith. She has lived in the Cherokee Nation thirty years, and will now be listed for enrollment as an adopted Delaware.

The applicant is identified with his wife on the roll of [illegible] and is shown by the marriage license and certificate to have been married to her in accordance with Cherokee law, in 1887. He [illegible] that they have lived together ever since their marriage.

The applicant states that he is half Creek and half colored, and he is identified on the roll of 1896, as a "Freedman". For further consideration of his rights, his application for his own enrollment will at present be placed upon a doubtful card, and when a final decision is reached, he will be notified at his [illegible] office address.

As for the grand child, this child is identified on the roll of 1896, and is living now. His father is identified on the roll of 1896. His father has been dead some eight years; His mother is dead; She can not be identified on the roll of 1880, nor can accurate information be obtained in regard to her at this time. It is desired to determine more definitely the fact of the marriage of this child's father and mother. For the present, this application for the child will be placed upon a doubtful card.

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

R R Cravens

Subscribed and sworn to before me this 10th day of October, 1906.

[illegible]

COMMISSIONER.

"R"

Cherokee D 544

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Wallace Thursday for the enrollment of himself as a Cherokee citizen.

Appearances:
E.P.Lawson, Esq., attorney for the applicant, Nowata,I.T.
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that his case, application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the first day of March,1902; receipt has been acknowledgedof the Commission's letter, and the applicant this day appears by his attorney, E.P.Lawson, Nowata, I. T.

BY COMMISSION OF ATTORNEY LAWSON: Any statement you desire to make relative to this case? A No sir, there is just a brief I desire to file in the case, that is all.

BY COMMISSION: The attorney for the applicnt files brief in the matter of the above application.

BY MR. HASTINGS: The representatives of the Cherokee Nation protest against the enrollment of the applicant, Wallace Thursday, upon the ground that there is no law authorizing the intermarriage of colored people with citizens of the Cherokee Nation of Delaware, Shawnee or Cherokee blood, and therefore that this applicant Wallace Thursday is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

BY COMMISSION: The attorney for the aplicant and the representative of the Cherokee Nation present submit this case and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

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

M D Green

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

Commissioner.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 14, 1902.

In the matter of the application of
Wallace Thursday for enrollment as a
citizen of the Cherokee Nation. C. D. 544.

Brief on behalf of the Cherokee Nation.

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The Cherokee Nation protested against the enrollment of the applicant, Wallace Thursday, upon the ground that there was no law authorizing the ~~m~~ intermarriage of colored people with citizens of the Cherokee Nation of Delaware, Shawnee or Cherokee blood. And the Cherokee Nation contends that the intermarriage law of the Cherokee Nation found in Article 16, Section 659 of the compiled Laws of the Cherokee Nation of 1892 referred only to white men and excluded colored men. The ~~Cherokee~~ Supreme Court of the Cherokee Nation construed this law on June 20, 1871, in which the court said: "As they are convinced a ~~cor~~ ~~rect~~ interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black man as it only alludes to, and was intended for white men and Cherokee women." This clearly sustains us in our contention that a colored man can not become a citizen of the Cherokee Nation by intermarriage. This applicant is either a colored man or a Creek; if he is a Creek he should be enrolled as a citizen of the Creek Nation; and if he is a colored man he is not entitled to be enrolled as a citizen of the Cherokee Nation by intermarriage.

This marriage is also in violation of the United States law in force in the Indian Territory found in Section 4598 of Mansfield's Digest, which reads as follows:

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

You will therefor e observe that this marriage is not legal either under the Cherokee or the United States law in force in the Indian TerritorY. And that the clerk had no legal right to issue the applicant a marriage license.

We therefore contend that the applicant should not be enrolled as a citizen of the Cherokee Nation bY intermarriage.

Counsel for applicant intimates that he should be either enrolled as a freedman citizen or a citizen bY intermarriage of the Cherokee Nation, but there is no proof whatever to sustain his application for enrollment as a Freedman citizen, and we therefore contend that he should not be enrolled either as a citizen of the Cherokee Nation bY intermarriage or as a Freedman citizen of the Cherokee Nation.

Respectfully submitted,

Attorney for the Cherokee Nation.

W H H.

Cherokee D 344

Department of the Interior,
Commission to the Five Civilized Tribes,
Dewey, I. T., October 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of WALLACE THURSDAY for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; being sworn and examined he testified as follows:

BY COMMISSION:

Q What is your name? A Wallace Thursday.
Q How old are you? A 54 years old.
Q What is your post-office address? A Bartlesville, I. T.
Q You claim citizenship in the Cherokee Nation by intermarriage?
A By marriage, that is all.
Q What was the name of your father? A Thursday.
Q What was he? A He was a Creek.
Q A recognized citizen of the Creek Nation? A No sir, he never lived in the Creek Nation.
Q What was the name of your mother? A I don't remember my mother, she died when I was small.
Q What was she? A Half colored woman; that is all I know.
Q Colored and white? A I expect; I don't know what.
Q You never were a slave in the Cherokee Nation before the war?
A No sir.
Q Do you claim to have a right as a Cherokee freedman? A No sir, not a bit; that is all the claim I have got in the Cherokee Nation, is by intermarriage.
Q You are not on the Cherokee rolls and your parents are not on the Cherokee rolls? A My parents were not; I was enrolled at the census taking.
Q Did you come to this Nation with the Delawares? A Yes sir, I came with the first ones that came to the Cherokee Nation.
Q Since your marriage to your present wife have you lived with her continuously in the Cherokee Nation? A Yes sir, all the time.
Q Were you ever married before? A No sir.
Q Was she ever married before? A She had a man before, she was not married.
Q Was she ever married more than once before you married her?
A I don't know.
Q Was her husband dead when you married her? A Yes 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 true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 5, 1902.

Myers Mills,

Before the Hon. Dawes Commission at Muskogee, Ind. Ter.

In the matter of the application for enrollment as a citizen of the Cherokee Nation of Wallace Thursday.

Brief on the part of applicant.

Comes now Wallace Thursday the aplicant herein and states to this Commission that he was married to Mary Anderson a citizen of the Cherokee Nation on October IIth, 1887 in accordance with the laws of the Cherokee Nation, the license and certificate of marriage being filed herein

Applicant represents that he is a half creek and half Freedman and this is not disputed. The name of Mary Ander son now Mary Thursday appears on the 1880 roll of authenticated citizens and the name of Wallace Thursday appears on the 1896 roll of authenticated citizens as a Freedman.

The only contention in this matter is whether he should be enrolled as an intermarried citizen or as a Freedman.

Our contention is that he should be enrolled as an intermarried Indian citizen and we would respectfully refer the Commission to section one of the Laws of the Cherokee Nation of 1892. on Intermarriage.

There is no contention between the applicant and the Cherokee Nation that aplicant should not be enrolled on some roll.

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Attorney for the applicant.

Department of the Interior,

Commission to the Five Civilized Tribes,

In the matter of the application of Wallace Thursday for enrollment as a Citizen of the Cherokee Nation.

Brief of Applicant, in reply to brief on behalf of the Cherokee Nation

Now comes the applicant, Wallace Thursday, and replying to the statements made in the brief filed on behalf of the Cherokee Nation, says; that section 659 Article 16 of the Compiled Laws of the Cherokee Nation of 1892 reads as follows, "whereas the peace and prosperity of the Cherokee people require, that, in the enforcement of the law, jurisdiction shoul be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or Citizen of the United States, or of any foreign State of Government, desiring to marry a Cherokee, Delaware or Shawnee Woman, Citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the District clerks of the several Districts, and make oath or satisfactory showing to such Clerk, that he has not a surviving wife, fromwhom he has not been lawfully divorced."

And again in Article 16 Section 667 of the Compiled laws of the Cherokee Nation of 1892, reads as follows; "No marriage between a Citizen of the United States or of any foreign Nation and a female Citizen of this Nation, entered into within the limits of this Nation, except as herein before authorized and provided shall be legal."

Now it will be readily seen that said sections referred to apply not only to white men but to Citizens of the United States and Citizens of a foreign nation and we do not see how the Cherokee Nation can contend that the law only applies to white men when the law itself says that it applies to all Citizens of the United States.

Certainly the Cherokee Nation cannot contend that at this time this Commission should consider any statement made in the brief on the part of the Cherokee Nation relative to any decision made by the Supreme Court of the Cherokee Nation. We contend that the only way to get before this Commission a judgment of any Cherokee Court is to present as evidence a certified copy of said decision.

Respectfully submitted. E. B. Fairchild, Atty for Applicant

IN THE MATTER OF THE APPLICATION OF

Wallace Thursday

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Question

IN THE MATTER OF THE APPLICATION OF

Wallace Thursday

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/8/00.
B Memo. of Application of 10/8/00
C Notice of final consideration 8/1/02
D Rmt for testimony
E Brief of applicant
F Order closing testimony 3/11/02
Copy of Attorney

OCT 25 1907

See Delaware Jacket 85
See Delaware Jacket No 5

Cher D 545

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., November 9, 1900.

In the matter of the application of John F. Greenwood for the enrollment of himself as a Cherokee by intermarriage, and his wife and children as Cherokees by blood, being sworn and examined by Commissioner Breckinridge, he testified and deposed:

Q. Give me your full name? A. John F. Greenwood.
Q. How old are you? A. 28 years old.
Q. What is your post office? A. Remona.
Q. In what district do you live? A. Coweta.
Q. Who is it now you want to have put on the roll, yourself and family? A. Yes, sir.
Q. Have you a wife? A. Yes, sir.
Q. How many children have you? A. Two children.
Q. Do you apply as a Cherokee by blood? A. No, sir, by adoption.
Q. Is your wife a Cherokee? A. Yes, sir.
Q. Let me see your marriage license and certificate? A. I can't produce the license, I can produce the certificate.
Q. Why can't you produce the license? A. I never did get a hold of that, as soon as the minister married us he sent them to the Clerk's office and I have written for them three or four times but never did get them back.
(The applicant presents a certificate showing that he was married on the 14th of September, 1893, to Miss Mary E. Tyner, by the Rev. John M. Yatsch. This certificate is filed herewith.)
Q. When did you get that certificate? A. I got that when I was married.
Q. Have you lived with your wife ever since you married her in 1893?
A. Yes, sir.
Q. And all the time in the Cherokee Nation? A. Yes, sir.
Q. In what district were you married? A. I was married in Coweta district.
Q. Your wife's full name at present is Mary E. Greenwood? A. Yes, sir, it is they.
Q. How old is she? A. 23 years old.
Q. Was she born in the Cherokee Nation? A. Yes, sir.
Q. Has she lived here all her life? A. Yes, sir.
Q. And all the time in Coweta district? A. Yes, sir.
Q. Give me the name of her father? A. [illegible] Tyner.
Q. Is he dead or alive? A. He is alive.
Q. Give me the name of her mother? A. Angie Tyner.
Q. Is she dead or alive? A. She is alive.
Q. Give me the names of your children? A. John Marvin, 6 years old.
Q. Give me the name of the next child? A. Ola Clyde, 4 years old.
Q. The next child? A. Lelia, one year old.
Q. These children are living now, are they? A. Yes, sir.
(Mary E. Tyner on 1880 roll, page 104, No. 2040, Mary Greenwood, Coweta district; on 1896 roll, page 104, No. 2040, Mary Greenwood, Coweta district. John F. Greenwood on 1896 roll, page 208, No. 841, Coweta district. John F. Greenwood on 1898 roll, page 180, No. 8841, Coweta district.)
Q. Did you get a license at the time you were married? A. Yes, sir.
Q. What did you say has become of it? A. The minister that married us taken it and said he would send it to the Clerk's office and have it filed and return it, but I never did see much of it.
Q. Who was the Clerk of the district? A. [illegible]
Q. You were never married except to this wife? A. No, sir.
Q. And your wife was never married except to you? A. No, sir.

The applicant applies for the enrollment of himself, his wife and three children. His name is identified on the rolls of 1880 and [illegible] all

John F. Greenwood - 2.

her life, and her change of name is established by the marriage certificate filed herewith. She will be listed for enrollment as a Cherokee by blood. The applicant of the three children, John F., is identified with his parents on the roll of 1896, and is living now and will be listed for enrollment as a Cherokee by blood. When the Commission is supplied with proper certificates of the birth of the two younger children, Ola B. and Lelia, they also will be listed for enrollment as Cherokees by blood.

The applicant himself is identified with his wife on the roll of 1896, as stated that they have lived together in the Cherokee Nation ever since their marriage in 1896. He does not produce, however, at this time his marriage license or any official evidence thereof. He will be listed now a tribal card as a Cherokee by intermarriage, to await official evidence of his having been licensed to marry in accordance with the requirements of the Cherokee law.

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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.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of October, 1900.

[illegible signature]

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Nowata, I.T. October 19th, 1900

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF JOHN P. GREENWOOD----CARD D. No. 845.

John P. Greenwood, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A John P. Greenwood. I was in here before.

Q What is it you want now? A I want to enroll myself and two younger children.

Q You were before us at Bartlesville? A Yes, sir; and I was placed on a doubtful card because I didn't have no license.

Q Did you apply for your children then? A Yes, sir; but I didn't have proper certificate then.

Q You appeared before the Commission at Bartlesville, did you? A Yes, sir.

Q And now you want to present some additional testimony? A Yes, sir; here are these papers.

THE COMMISSIONER: The applicant now files an official copy of the records of Cherokee District showing that license was issued to him on September 13th, 1893, to marry Nancy Jane Tyner, in accordance with Cherokee law, and that they were married on the 14th of September of the same year by John M. Watson. This he files herewith.

The applicant also presents two certificates of birth of his children, which will also be filed with his case if found to be correct.

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The undersigned being duly sworn states that as stenographer to the Commissioner to the five civilized tribes he correctly recorded the supplemental testimony and proceedings in the matter of the above mentioned application, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

M. S. Miller

Subscribed and sworn to before me this 19th day of October A. D. 1900.

C. R. Breckinridge

Commissioner.

CHEROKEE D 546

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John P. Greenwood, for enrollment as a citizen of the Cherokee Nation.

On the ninth day of October, 1900, John P. Greenwood appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for his wife and children as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time his wife and children were listed for enrollment on a regular card and the name of John P. Greenwood was placed upon a "Doubtful" card awaiting proof of his marriage as alleged.

Further evidence has been submitted to the Commission and the following decision is rendered.

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D E C I S I O N.

--oOo--

From all the evidence of record in this case it appears that John P. Greenwood was married by authority of a Cherokee marriage license on the 14th day of September, 1893 to Mary Tyner, a citizen by blood of the Cherokee Nation, duly identified on the authenticated tribal roll of 1880. His said wife has resided in the Cherokee Nation all her life and he has lived with her since the date of said marriage. He is identified on the Cherokee Census roll of 1896.

This Commission is directed in paragraph 1, section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enroll;

"such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is consid-

Enrollment No.

-2-

and that John T. Grammer is entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation, and it is so ordered.

C. R. Tonsmeire

Commissioner.

Dated at Muskogee, Indian Territory,

APR 23 1902

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-545

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please finda copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of John P. Greenwood No. D-545, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said John P. Greenwood as citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,

Acting Chairman.

Encl. D-545.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRID[illegible]

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee R-545

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that Annie Eshback has this day been notified to appear before the Commission at its offices at Muskogee, Indian Territory, on or before December 15, 1902, and give further testimony relative to the right of her child, Willie Heland Davis, to be enrolled as a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

2545

IN THE MATTER OF THE APPLICATION OF

John P. Greenwood

FOR ENROLLMENT AS

CHEROKEE CITIZENS

IN THE MATTER OF THE APPLICATION OF

John P. Greenwood

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/9/00
B Memo. of application of 10/9/00
C Supplementary testimony of 10/18/00
D Certified Copy of marriage record

Copy

Sept. 15, 1902 Cancelled and transferred to Cherokee No

See Cherokee Jacket 4240

Cancelled

Cher D 546

D546

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 9 1900

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Bartlesville, I.T. September 9th, 1900.

IN THE MATTER OF THE APPLICATION OF THOMAS W. BAKER FOR THE ENROLLMENT OF HIMSELF AND HIS CHILD AS CHEROKEE CITIZENS.

The said Thomas W. Baker, being sworn and examined, testified as follows: (Applicant being deaf, questions wre written that he may read)

Q What is your name? A Thomas W. Baker.

Q What is your age? A Sventy.

Q What is your post office? A Ramona.

Q What is your district? A Coeweescowee.

Q Who is ityou want to apply for? A For myself and my boy.

Q Is your wife dead? A My wife has been dead six years.

Q What was her name,--her given name? A Victoria Evans. She was Victoria Tiblow, and then she marriedEvans and then I married her.

Q When did she marry Evans? A (No response)

Q Have you been recognized by the tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation? A I was down in Tahlequah.

Q Does your name appear on the tribal rolls of the Cherokee Nation? A Yes, sir; I have been enrolled two or three times.

Q Where do you live? A I live at Ramona, about a mile from Ramona.

Q How long have you lived there A For seven or eight years.

Q Where have you lived ~~xxx~~ prior to that time? A I lived down there close to Vinita.

Q What is the name ofyour father? A George Baker.

Q Is he living? A No, he is not living. My father and mother is both dead.

Q What was your mother's name? A Charity Baker, is my mother's name.

Q Is she living? A No, sir; she is dead.

Q Have you been outside of the Indian Territory within the past three years? A No, I ain't been off the place for six years

Q Does your name appear on the 1880 authenticated roll of the citizens of the Cherokee Nation? A No, for I wasn't here in 1880.

Q Does your name appear on the 1894 strip roll of the Cherokee Nation? A I think it is on the 1896 roll. I know it is on a roll twice.

Q What proportion of Cherokee Blood do you claim? A I ain't no Cherokee; I am a white man.

Q Are you married? A Yes, sir.

Q Under wht law were you married? A Cherokee.

Q Have you your marriage license and certificate which you now desire to present in evidence to this Commission? A Yes, sir; here it is.

Q Where were you living at the time you were married? A Down close to Vinita on Cabin Creek.

Q What was your wife's name before she was married? A Victoria Evans.

Q She is dead? A Yes, sir.

Q Is she a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Is her name upon the authenticated roll of 1880? A I can't tell you whether it was or not. She was sick at the time that was made.

Q Is her name upon the 1894 strict payment roll? A Yes, sir; it is on that roll.

Q Is her name on the 1896 census roll? A No, it is not on the 1896 roll, because she was dead then. She has been dead six years this December.

Q What is the name of your wife's father? A I can't tell you what her father's name is for I don't know.

Q A Cherokee or a white man? A He was a Cherokee----No, he was a Shawnee.

Q To what district in the Cherokee Nation does he belong? A I don't know.

Q What is the name of your wife's mother? A I can't tell you what her name is. You have got it down on the roll, though.

Q Is she a Cherokee? A No, she was a white woman.

Q To what district in the Cherokee Nation does she belong? A Delaware District.

Q Have you any children under twenty one years of age, and unmarried for whom you now desire to make application? A I ain't got none only this boy.

Q What is his name? A Charlie Tiblow Baker.

Q How old is that child? A He will be nine years old this next March.

Q What do you claim this child to be? A Well, Shawnee.

Q Is this child living with you at the present time? A Yes, sir. I wouldn't part with him for all the world.

Q Does his name appear upon any of the tribal rolls of the Cherokee Nation? A Yes, sir.

Cherokee

The applicant presents a duly authenticated marriage license authorizing the marriage of himself to Mrs. Victoria Evans, issued on the 27th day of October, 1891, signed by S. B. McGhee, deputy clerk of Delaware District, and a certificate of marriage showing that the said marriage ceremony was performed by T. J. McGhee, Clerk of Delaware District, on the 27th day of October, 1891. The certificate and license will be filed herewith.

Q What was your wife's name in 1880? A Lavinia Evans. She went by Dora all the time, though.

Q Was she married before she married you? A Yes, sir.

Q What was her first husband's name? A I don't know what his name was only Evans.

Q Is he living? A No, sir.

Q When did he die? A He was dead long, long before I married her.

Q Did he live with the woman you afterwards married until the time of his death? A No, I don't know.

Q Were you married before you married your deceased wife, formerly Evans? A Yes, sir; I was married thirty or forty years ago.

Q Is your first wife dead and did you live with her until the time of her death? A Yes, sir.

Q Did she die before you married Mrs. Evans? A Yes, sir.

Q Did you live with your last wife until her death? A Yes, sir.

Q Is this child for whom you apply, Charlie, the child of your last wife? A Yes, sir.

A

Q Are you the father of this child, Charlie? A Yes, sir.

Q Did your wife ever have any other names than those you have mentioned? (No response)

1896 Roll, page 296, No. 143, W. T. Baker, Cooweescoowee District. IntermarriedCherokee.

1896 Roll, page 335, No. 9, Chrles Evans Baker, Cooweescoowee District, Shawnee.

Cherokee Shawnee Pay Roll, 1896, page 15, No. 327, Ba ker Charles Evans.

The applicant applies for the enrollment of himself and one child. He presents a duly authenticated Cherokee marriage license and certificate shewing that he was married to one Victoria Evans, a Cherokee citizen, in the year 1891, and he is identified on the census roll of 1896. His child, Charlie E. Baker, is identified on the census roll of 1896 and upon the Cherokee-Shawnee Pay Roll of 1896 as a Shawnee by blood.

His deceased wife cannot be identified under the names indicated in the testimony upon the authenticated roll of 1880, and her name does not appear upon the census roll of 1896, she having died prior to its compilation. The names of the applicant and his child will, therefore, be placed upon a white card for the further consideratio n of the Commission, and when final judgment is reached in the matter of his application he will be notified thereof at his post office address.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in the above application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Mrs S. Mitchell

Subscribed and sworn to before me this 9th day of October A. D. 1900.

C. Wheeler

Commissioner.

Cherokee D 5 46

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

In the matter of the application for the enrollment of Thomas W. Baker as a citizen by intermarriage, and for the enrollment of his son Charlie Tiblow Baker, as a citizen of the Cherokee Nation of Shawnee blood:

D E C I S I O N.

The record in this case shows that on September 9, 1900, Thomas W. Baker appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his son Charlie Tiblow Baker, as a citizen of the Cherokee Nation of Shawnee blood.

The evidence shows that Thomas W. Baker, a white man, was married, in accordance with the laws of the Cherokee Nation, to one Victoria Evans, a citizen of the Cherokee Nation of Shawnee blood, on October 27, 1891. As a result of said marriage Charlie Tiblow Baker was born. The residence of Thomas W. Baker has been in the Cherokee Nation continuously for six years up to and including the date of this application. He is identified on the Cherokee Census Roll of 1896. Charlie Tiblow Baker is identified on the Cherokee Census Roll of 1896, as an adopted Shawnee; also, on the Shawnee Pay Roll of 1896.

It is, therefore, the opinion of this Commission that Thomas W. Baker should be enrolled as a citizen by intermarriage, and that Charlie Tiblow Baker should be enrolled as a citizen of the Cherokee Nation of Shawnee blood 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.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

T. B. Needham
Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 11 1902

DEPARTMENT OF THE INTERIOR

[redacted]

CD546

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee, I. T. August 25th 1902.

In the matter of the application of Thomas W. Baker for enrollment as a citizen by intermarriage of the Cherokee Nation and for his child as a citizen by blood of the Cherokee Nation,

Cherokee Doubtful No 844.

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The Representative of the Cherokee Nation respectfully protests against the decision of the Commission rendered on August 11th 1902 and requests that the same be forwarded to the Honorable Secretary of the Interior for review.

Thomas W. Baker is a white man seventy years old. He claims to have been married to Victoria Evans a Cherokee Shawnee but he presents no proof whatever that the said Victoria Evans was a Shawnee citizen of the Cherokee Nation. Her name does not appear upon any of the rolls of the Cherokee Nation; his wife died only a few years ago and if she were recognized as a citizen of the Cherokee Nation her name would appear upon some of the numerous rolls of the Cherokee Nation and if she was entitled and was recognized as a citizen of the Cherokee Nation certainly we take it that it was incumbent upon the applicant to show that his wife was a recognized citizen of the Cherokee Nation at the time he married her and therefore capable of conferring citizenship upon him but we can not believe that the Department will enroll the said Thomas W. Baker and his child upon the unsupported testimony of the applicant himself particularly when his wifes name appears upon no roll of the Cherokee Nation and when her citizenship could have been easily established in the Cherokee Nation.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

C.W.B. Cherokee D 546

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of Charlie Tiblow Baker as a citizen of the Cherokee Nation of Shawnee blood.

## D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Bartlesville, Indian Territory, October 9, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Charlie Tiblow Baker as a citizen of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1, 1902. The records further show that on August 11, 1902, the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen of the Cherokee Nation of Shawnee blood.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Charlie Tiblow Baker, is a minor son of one Thomas W. Baker, a white man, and one Victoria Baker, deceased, alleged to have been a Shawnee Indian. A careful examination of the records of this office fails to show, however, that said Victoria Baker is identified on the Shawnee Register, or that she was ever recognized in any manner as a citizen of the Cherokee Nation, and no record can be found of her ever having been admitted to citizenship in the Cherokee Nation by any duly constituted court or commission having jurisdiction to admit persons to Cherokee citizenship.

Every effort has been made by this office to secure information which would enable this office to identify said Victoria Baker as having been recognized by the Cherokee tribal authorities as a citizen of the Cherokee Nation of Shawnee blood prior to her death, but no information has been secured.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision of the Commission to the Five Civilized Tribes rendered August 11, 1902, granting the application for the enrollment of Charlie Tiblow Baker as a citizen of the Cherokee Nation of Shawnee blood, be rescinded, set aside, and held for naught, and that under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Charlie Tiblow Baker is not entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,

this Feb. [illegible]

FIRE. LIGHTNING. TORNADO.

FRED McDANIEL,
INSURANCE.

Bartlesville, I. T. Mch 25th 1902

M. M. Hastings
Muscogee I.T.

Friend Will:

I think Jas Blythe of this place would make a good witness against one Baker who applied for enrollment at this place. I do not remember his name but think he was only Baker who applied at this point. He also applied for enrollment of minor child, a boy, - his wife was a Shawnee. Mr Blythe says neither should be enrolled - and if this case has not been heard perhaps it would be a good idea to correspond with Mr Blythe -

Your friend
Fred McDaniel

FIRE. LIGHTNING. TORNADO.

FRED McDANIEL,
INSURANCE.

Bartlesville, I. T. April 4th 1905

J. C. Starr, Esq.
Muscogee I.T.

Dear Sir.

Baker's initials are L. W. applied for enrollment here, & think his wife was supposed to be a Shawnee. Can learn nothing definite from Mr Blythe, ~~specifically~~ he says that his man & family are white. He suggests Cyrus Cronnelzer as a witness — as Baker formerly lived near Nicita, C

Yours truly

Fred McDaniel.

1 Baker Thomas W. Jr. — Ramona
1 Chas. S. on Victoria & Shawnee

S. 0 2 0

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 546.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Thomas W. Baker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his son, Charlie Tiblow Baker, as a citizen of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 30.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D. 546

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

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying the application for the enrollment of Charlie T. Baker as a citizen of the Cherokee Nation , of Shawnee blood.

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

Respectfully,

Encl. E-17
SLE

Commissioner.

IN THE MATTER OF THE APPLICATION OF

Thomas W. Baker et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

IN THE MATTER OF THE APPLICATION OF

Thomas W. Baker, et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/9/00

B. Memo. of Application of 10/9/00.

C. Marriage license and certified copy of Letters of Guardianship, attached.

D. Receipt for testimony

E. Notice of final consideration, 3/1/02

OCT 25 1907

Cher D 547

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., October 2, 1902.

In the matter of the application of Charles C. Burnett for enrollment as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name, please? A Charles C. Burnett.
Q How old are you? A I am about 65.
Q What is your post office? A Bartlesville now.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself.
Q Do you apply as a Cherokee by blood? A No, sir.
Q Have you your marriage license and certificate? A I have not, I lost it about five or seven years ago.
Q When were you married? A I was married about along in 1870.
Q Are you on the roll of 1880? A I am supposed to be.
Q What was the name of ~~the~~ your wife? A My wife was an adopted Delaware and her name was Wuskelongon, I don't know her English name.
Q When did she die? A She died inside of three years after we were married, I lost my grip several years ago and lost all my records.
Q Have you ever married since then? A I married another Delaware woman.
Q Who was she? A Her name was Quantandut.
Q When did you marry her? A I married her in about 1875.
Q Is she dead? A She is dead.
Q When did she die? A About 13 or 15 years ago; these dates bother me.
Q Have you ever married since she died? A I never have.
Q Have you a certificate of your marriage to your last wife? A I have not.
Q Have you lived in the Cherokee Nation ever since 1880? A All excepting temporary absences.
Q Never made your home anywhere else? A Never made my home anywhere else; I was intimidated out of the country for a while by desperados, but I never have registered anywhere else.
(On 1880 roll, page 88, No. 227, Charles Barnett, Cooweescoowee District; on 1896 roll, page 296, No. 139, Charles Burnett, Cooweescoowee district.)
Q Where are you living at this time, Mr. Burnett? A I am living temporarily at Coffeyville lately, boarding there temporarily.
Q What interests have you down here in the Cherokee Nation? A I have claims down here.
Q Are you in any business up there at Coffeyville? A No, sir, just temporarily boarding.
Q How long have you been up there? A I have been up there off and on for three or four years; been down here a good deal of the time up there.
Mr. J.L.Brush, representative of the Cherokee Nation: Isn't it a fact that you have been living in Coffeyville for fifteen years?
A No, sir.
Q Haven't you been making your residence in Coffeyville more than you have in the Cherokee Nation? A I might have ~~it~~ been there more, but I will tell you the fact of the case; about five or five years ago I was threatened with my life, I was accused of killing another man at Bartlesville, and they threatened my life and I had at that time through fear.
Q Since that you have been making your home in Coffeyville? A I have been there a good deal of the time.
Q Have you ever at any time while you were living in Coffeyville had any business or business transactions in Coffeyville? A I have run any business myself.
Q Have you ever been interested in any business enterprises in

Charles G. Burnett - 3.

Coffeyville? A No, sir.
Q Never had any interest in any business? A I had property there, I never was in business there.
Q Do you own any houses and lots in Coffeyville? A Yes, sir
Q Did you live in those houses? A No, did, I did not; I never registered from up there, I always registered in the hotels from the Cherokee Nation.
Commissioner Breckinridge: Never exercised the rights of citizenship up there? A No, sir.

The applicant is identified on the rolls of 1880 and 1898 as an adopted white. His deceased wife, whom he stated was his second indian wife, is identified with him on the roll of 1880 as a Delaware. He states that he has lived in the Cherokee Nation and called the Cherokee Nation his home ever since his enrollment in 1880, and that he has not remarried since the death of his wife with whom he was enrolled in 1880. The Cherokee representative present desired to make further inquiry into the length and character of the applicant's residence, he having spent considerable time at Coffeyville, Kansas. The applicant states that he always registered from the Cherokee Nation, and never exercised the rights of citizenship in Kansas or elsewhere outside the Cherokee Nation. For the present his application will be placed upon a doubtful card for the further consideration of the question of domicile.

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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.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of October, 1900.

C. T. Merrill

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1900
ACTING CHAIRMAN

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

[illegible]

In the matter of the application of Charles G. Burnett for enrollment as an intermarried Cherokee.

John H. Goody, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A John H. Goody.
Q What is your age? A 45.
Q What is your post office? A Vinita.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Do you know Charles G. Burnett? A Yes, sir.
Q His post office, I believe, is Coffeyville? A Yes, sir.
Q How long have you known him? A I have known him since I was a boy.
Q Have you known him steadily for the last twenty years? A Yes, sir.
Q Seen him frequently during that time? A Yes, sir.
Q Have you always understood that he considered himself a Cherokee citizen? A Yes, sir.
Q Has it been his habit if not in the Cherokee Nation to come home and vote when they had elections? A He did at several elections. I can't say about all elections.
Q He has always been understood as a voter and a citizen of the Cherokee Nation? A Yes, sir.
Q Was it understood among you and his other acquaintances that he kept up his citizenship all the time? A Yes, sir, there has never been any dispute that ever I heard.
Q Have you ever heard of his doing anything or living in any place that indicated that he had given over his citizenship as a Cherokee? A No, sir.
Q Has it ever been understood that any other locality than the Cherokee Nation was his home? A No, I have seen him in Coffeyville there a good many times, registered there at the hotel.
Q How does he register, where from? A The Cherokee Nation; that is, the Indian Territory.
Q He was always looked upon as a man who lived on this side of the line? A Yes, sir, he registered; I suppose so; of course I haven't been there in a year or more, but he boarded at the Southern Hotel and that is where I would find him every time.

Mr. J. L. Baugh, representative of the Cherokee Nation, states, not under oath, that he, Baugh, desired on the part of the Cherokee Nation to have the application for the enrollment of Charles G. Burnett held up for further investigation as to the length and character of his residence in Coffeyville. Since then I, J. L. Baugh, the attorney for the Cherokee Nation, have went to Coffeyville and have visited the hotel where Charles G. Burnett stays. I have found that he registered from the Cherokee Nation. I have inquired of parties living in Coffeyville as to his manner of residence. They say that at all elections and all other things pertaining to the public interest in that town that he has refrained from taking any positive part in them as a citizen of that country, claiming that he was a citizen of the Cherokee Nation. Therefore I, as the attorney, will have to withdraw the objections that I put in the other day as to his enrollment.

———o———

Charles G. Bonham Esq.

Frank C. [illegible], being duly sworn, says that as stenographer to the Commissioner in the above entitled matter he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Frank C. [illegible]

Sworn to and subscribed before me this the 30th of October, 1900.

[illegible]

Commissioner.

"R"

D 847

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Charles C. Burnett, for the enrollment of himself as a citizen of the Cherokee Nation;

Mr. Hastings: The representative of the Cherokee Nation moves for a continuance in the above cause for the reason that there was a clerical error made in the date upon which witnesses should appear, in the formal notice that was given them. That instead of notice to the applicant that testimony would be taken upon this date, the stenographer made a mistake and made it on the 6th day of March, and witnesses will, therefore, have to come back, and it is thought that March 19 is a more convenient date, and a continuance until that time is respectfully requested.

The Commission: The request of the representative of the Cherokee Nation will be complied with, and the case continued until the 19th day of March, 1902.

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

E. C. Bagwell.

Subscribed and sworn to before me this March 4, 1902.

M D Green
MP

Commissioner.

CD547

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR [illegible] 1902
ACTING CHAIRMAN.

Engl.-C.D.#547.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22d, 1902/

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CHARLES G. BURNETT as a citizen of the Cherokee Nation:

The applicant in this case was notified by registered letter March 7, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 19th day of March, 1902. On said date the case was continued by agreement until March 22d, 1902. The applicant this day, to-wit: the 22d day of March, 1902, appears by his attorney, E. B. Lawson, Mr. W. W. Hastings, Cherokee Representative, present.

ELIJAH ELY, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Elijah Ely.
Q What is your age? A I am about 58, 7 or 8.
Q What is your post office? A Ramona.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q How long have you lived in that neighborhood? A Oh, I have been out in there 17 or 18 years.
Q Do you know Charley Burnett, the applicant? A Yes, sir.
Q How long have you known him? A I knowed him for about 12 years.
Q Where was he living when you first knew him? A He was living in the forks of Caney above Bartlesville.
Q Did he have an improvement up there? A Yes, sir.
Q Did he sell that or what did he do with it? A Yes, sir, he sold it.
Q Do you know where he went from there? A He went from there to Oklahoma.
Q How long did he live in Oklahoma? A Not but a little while.
Q Do you know about when he went out there? A No, sir; I don't know about when he went, he was not out in that country long until he came back.
Q Where was he next? A He came right there in my neighborhood.
Q Buy a place from you? A Yes, sir.
Q How far from you? A About a mile.
Q Does he own that place now? A No, sir.
Q How long did he keep it? A About three years.
Q Did he sell it? A Yes, sir.
Q Where did he go? A Went into Kansas.
Q Well, now, about when did he leave there and go to Kansas? Well, that has been about five years ago, he left there.
Q Since that time as he owned any improvements down there that you knew of? A No, sir.
Q You know he sold that place? A He sold that place and moved into Kansas.
Q About how long did he live on that place, do you know? A About three years.
Q I will ask you, Mr. Ely, if any woman lived in the house there with him at that time? A Yes, sir.
Q Was she a white woman? A Yes, sir.
Q She had some children did she? A Yes, sir.
Q And they lived there? A Yes, sir.
Q Did she come there with him? A Yes, sir.

Q Did she depart when he did? A Yes, sir.
Q Well, how were they known through the country, whether he was living with her as his wife? A Well, the supposition was through the country, that they were living there together.
Q What was her name? A Mrs. Tranny.
Q She left there about the time he did? A Yes, sir, and left with him.
Q And she went off with him? A Yes, sir.
Q She was a white woman? A Yes, sir.
Q He is a white man? A Yes, sir.

MR. LAWSON:

Q Did the people in t hat community generally recognize them as man and wife, or did they hold each other ejut to the people in that community as man and wife? A Well, they didn't do that I suppose, but the community there, they was living as man and wife.
Q I ask you the simply question were they recognized by the people there as man and wife? A Wasn't recognized.
Q Did they ever hold themselves out as man and wife in that community? A Not as I know of.
Q You knew that they were not man and wife, did you not?
A I could not say that they was.
Q Do you knew of your own knowledge whether or not this Charles C. Burnett has any property in the Cherokee Nation within the last five years? A Well, no, I could not say.
Q All you know is that he sold that farm down near Ramona?
A Yes, sir.
Q You don't know whether he bought near Coffeyville or Bartlesville or some other place do you? A No, sir.
Q To whom did he sell this farm mxt at Ramona? A He sold it to a man by the name of Burdolf.
Q Thomas Burdolf? A Yes, sir.
Q Very frequently the citizens in that country sell farms do they not? A Yes, change.
Q For all you know he might have owned half dozen farms in the Cherokee Nation during the time he has lived away from Ramona?
A Yes, sir.
Q Did you testify a while ago he lived in Coffeyville?
A Yes, sir.
Q How do you know he lived there? A I have seen him there, he told me.
Q Do you know whether or not he voted in the Cherokee Nation during the last five years? A No.
Q Well, what is the-? A I don't think he has.
Q You don't know whether he has or not though? A I don't think he has.
Q And all you know about this case is he sold that farm down about Ramona about five years ago? A Yes, sir.
Q That is all you know about it isn't it? (No response.)

MR. HASTINGS:

Q You know he has not got a place in that neighborhood? A Yes, sir.
Q And if he swore that he sore falsely; you know he has not got a farm in that nighborhood? A Yes, sir.
Q Now, I want to know what you meant by saying that you didn't know that they were married, was it the report that they were married? A Yes, sir. It was understood that a marriage ceremony had not been performed.
Q But they were living there together? A That was the supposition by everybody.
Q He came there together? A Yes, sir.
Q They went away together? A Yes, sir.

MR. LAWSON:
Q You state a common law marriage; what is a common law marriage?
A I don't know.
Q Then when you testified to something here a while ago you testified to something you didn't know anything about, didn't you?
A A common law marriage I su ppose would be just living together
MR. HASTINGS:
Q That is what you intended to testify? A Yes, sir.
MR. LAWSON:
Q Do you mean to tell this commission that you know everybody that owns a farm near Ramona? A No, sir.
Q Do you know that Charles C. Burnett does not own a farm down there in that neighborhood? A I have never heard anything about him buying in that section of the country.
Q That is all you know about it, you never heard of him buying any more? A No, sir.
Q Do you know of your own knowledge whether or not Charles C. Burnett owns any improvements in and around Ramona? A I don't think he does.
Q I don't care anything about what you think? A Well, no, sir.
Q You don't know whether he owns two farms or one farm or no farm?
A No, sir.

R. B. TYNER, being duly sworn, testified as followw on part of the Cherokee Nation:
MR. HASTINGS:
Q What is your name? A R. B. Tyner.
Q What is your age? A 57 years old.
Q What is your post office? A Ramona.
Q Do you know Charles C. Burnett? A Yes, I know Charles Burnett.
Q Did you know him when he lived down there near Ramona?
A Yes, sir.
Q Did you know him when he lived up there in the Forks of Caney?
A Yes, sir.
Q Did you hear of him disposing of his interests up there at Caney?
A Yes, sir.
Q Did you hear of him purchasing improvements near Mr. Bly who has just left the stand? A He purchased a place of Mr. Bly, near Ramona.
Q Does he live on that place now? A No, sir.
Q How long did he live on it? A He lived on that place best of my recolldtion, about four years, three or four years, sokething like that.
Q Does he own it n w? A No, sir, he sold it.
Q You know where he went to when he sold it? A He went from that vicinity to Coffeyville.
Q Do you know of his owning any other improvements down in that country? A No, sir. Don't know of his owning any in that vicinity.
Q Did you know of him buying any more down there? A No, sir.
Q He sold the one he was living on at that time? A Yes, sir, he sold it to Burdalf.
Q Do you know whethere or not there was a woman living with him in the house when he was living on this place adjoining Bly? A Yes, widow Tracey was there all the time.
Q Did she live there with him all the time? A Yes, sir.
Q Come there with him? A Yes, sir, some time.
Q Well, how were they known throughout the community; did the community recognize them as living together? A Why-

Mr. Lawson: To which we object; it does not make any difference whether they were living there together or not.
A That is supposition of the people.
Q The people don't know whether or not there was a ceremony performed, but recognized them as living together?
Mr. Lawson: To which we object as leading and suggestive.
Q Well, how did the community regard them, now you tell that?
A The community supposed he was living with that woman on the place there and talked of all through the country.
Q That the way it was generally known? A Yes, but I never went there and seen them.
Q You don't know of your own personal knowledge? A No, sir.
Q She a white woman? A Yes, sir.
Q He a white man? A Yes, sir.

MR. LAWSON:
Q Do you know Mrs. Troxey? A Yes, sir.
Q You mean to say, Rube, you know who owns all of those Ramona places in that neighborhood? A No, sir, I don't.
Q Charley Burnett might have owned ~~at~~ one place or half dozen around you and you not know it? A I don't know.
Q How far do you live from Ramona? A About five miles.
Now, I will take that back; he never owned any place in that country, I have known every place in that country for twenty years.
Q Who owns that place immedia ely south of Racman one mile?
A Lige Bly.
Q South of Ramona? A Right on the railroad?
Q Yes? A Bly owns right from that little creek south and my impression is Lige Bly owns it.
Q Do you know he owns it? A He is living on it.
Q Well, who owns that place that is two miles south of Ramona on the railroad? A On which side of the railroad?
Q On the west side? A Well, I could not say fro certain but I think,
Q Now, we just want to know if you know? A I don't know.
Q Might Charley Burnett not have owned thatplace? A I could not say as to that.
Q Didn't you state you knew a while ago you knew all oo those places? A That gets about seven or eight miles from my place.
Q I mean all directions from Ramona? A I could not state as to that.
Q You didn't intend to tell this Commission that you knew ~~xxx~~ who owns all those places five or six miles from Ramona?
A I don't know.
Q You mean from your house right to Ramona on the road you know who owns all those places? A They change hands every once in a while.
Q Do you know of your own knowledges that Charley Burnett does not own any place in the Ramona neighborhood? A He don't own any to my knowledge.
Q That is not my question?
Commission: Just answer his question?
A I don't know thathe does.
Q As far as you know he might own two or thee improvements there might he not? A Well, he might of course I could not say in the recent years what he has bought.
Q You are testifying some six or seven years ago are you or when are you testifying? A Up until he sold out up until the time he left there.
Q Well, now, about this woman living there; did you say that the people in that community recognized them as man and wife; that is they held themselves out as man and wife in that community where they lived

A I was generally talked that they lived together; I never heard anybody say that they were man and wife.
Q Did they hold themselves out there to the community as man and wife? A No, sir.
Q Did they rate themselves to be man and wife to the people at all?
A No, sir.
Q Do you know whether or not they lived together as man and wife of your own knowledge? A No, sir, I don't.
Q Charles Burnett might have half dozen places around Coffeyville and around Bartlesville and you not know it? A Certainly.

MR. HASTINGS:

Q You never heard of him buying any other place down there after he sold out? A No, sir.
Q And you are one of the old citizens down there? A Yes, sir.
Q The generaly supposition among the people up in there that he and this woman were living together? A The general supposition.

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

The attorney for the applicant requests and will be granted 20 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

---oooOOOooo---

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

J O Rosson

NOV 7 1902

ACTING CHAIRMAN

Mrs. Stonewalking first duly sworn, states that she stenographer to the Commission to the Five Civilized Tribes in 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 November 3, 1902.

Notary Public.

Cherokee B-547

Department of the Interior,
Commission to the Five Civilized Tribes,
Dewey, I. T., October 17,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application for the enrollment of CHARLES C. BURNETT as a citizen by intermarriage of the Cherokee Nation;
JAMES W. GIBSON, being sworn and examined, testified as follows:

BY COMMISSION: Applicant this day notified by telephone at Coffeyville, Kansas, that testimony would be taken in his case at Dewey, I. T., on this day; applicant fails to appear either in person orb yatterney.

BY COMMISSION:
Q What is your name? A James W. Gibson.
Q How old are you? A I am 38.
Q What is your post-office address? A Welden, I. T.
Q You live in Cooweescoowee District? A Yes sir.
Q You are a recognized citizen of the Cherokee Nation by Delaware Blood? A Yes sir.
Q Do you know Charles C. Burnett, who claims citizenship by intermarriage in the Cherokee Nation? A Yes, I know him.
Q Was his wife any relation of yours? A Yes, she was a cousin of mine, Lissie or Eliza, I think.
Q How long have you known Charles C. Burnett? A I have known him for about thirty years.
Q Was he married to your cousin? A Yes.
Q When? A I don't know the exact date, somewhere about '70.
Q Where does Charles C. Burnett reside now? A Coffeyville, Kansas
Q How long has he resided there? A Well I expect perhaps three or four years maybe longer, I don't exactly know.
Q Can you recollect where he resided as far back as June,1898?
A I think he li ved on Double Creek, I wont be positive.
Q That's in the Cherokee Nation? A Yes sir.
Q In about what year did he remove to Coffeyville? A I can't say exactly now, I know about the time, it was along about that time perhaps that he moved to Coffeyville, but I don't remember now
Q Since he moved to Coffeyville three or four years ago has he lived there continuously ever since? A I think he has.
Q Does he make that his home? A I think so.
Q What does he do there? A I don't think he has anyoccupation. I think he owns some property there.
Q His wife is dead? A Yes sir.
Q How long has she been dead? A She has been dead since, let me see, she died in I think about 1888; he has no family, no chi ldren.
Q Up until three orfour years ago did he always live in the Cherokee Nation since his marriage to your cousin? A Yes sir, I talked with him sometime ago and he told me he had filed on some land when the Delawares began suit you know; he said he had filed on some land together with the Delawares.
Q Do you know whether he owns any property or has any home here in the Cherokee Nation now? A Only what he told me, he said he had a claim in the Cherokee Nation down on Double Creek I think.
Q Do you know if he still owns that? A I think so.
Q Do you know whether he ever intends to return to this country to live? A No, he told me he intended to move back here as soon asthe Delawares get their allotment, he had no place to stay is why he told me he went to Coffeyville to stay.

---

[illegible]

[illegible]

Subscribed and sworn to [illegible]

Cherokee Roll.

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

In the matter of the application of Charles C. Burnett for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record herein shows that on October 4, 1907, Charles C. Burnett appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had on October 21, 1907, at Vinita, Indian Territory, and on March 2, and March 27, 1908, at Muskogee, Indian Territory. On October 17, 1907, the applicant was notified that testimony would be taken in the matter of his application at Tahlequah, Indian Territory on the same day, and applicant failing to appear testimony was then and there taken by the Commission. In December 2, 1908, the Commission received a letter from the applicant dated at Coffeyville Kansas, October 26, 1907, in which he withdrew his application for enrollment as a citizen of the Cherokee Nation.

The evidence shows that the applicant, Charles C. Burnett, is identified on the Cherokee authenticated tribal roll of 1880 and on the Cherokee census roll of 1896 as an "adopted white." He has been married twice. Both of his wives, nee Bowman, were citizens of the Cherokee Nation of Delaware blood. His second wife died fifteen or fifteen years prior to the date of this application and he has not married since her death.

The evidence further shows that the said Charles C. Burnett has been living in the State of Kansas since 1887, and that he was living in that State on June 28, 1898.

Section twenty-one of the Act of Congress approved June 28, 1898 [30 Stats., 495], provides:

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

It is, therefore, the opinion of this Commission that the application of Charles C. Burnett for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
DEC - 1 1908

ATTORNEYS FOR CHEROKEE NATION

[illegible] S. [illegible]

Sallisaw, I. T., Feb. 29, 1908.

Dear Sir:

I am informed that one of Charles C. Ignatti has applied to the Dawes for enrollment as a citizen of the Cherokee Nation by inter-marriage. This man married a Delaware woman and after she died he married another Delaware woman, and we have been informed that he lived with a white woman since then for five or six years, a Mrs. Trowell, and that he had sold his improvements and moved to Jeffersville, Kansas. Please advise us as to this, and give us the names of witnesses by whom we can prove his having lived with this Mrs. Trowell, and about his residence in Jeffersville.

Yours truly,

**ATTORNEYS FOR CHEROKEE NATION**

[illegible] N. W. [illegible]

Muskogee I. T., Feb. 20, 1902.

Dear Sir:

A man by the name of Charles C. Barnett has applied to this Commission for enrollment as a citizen of the Cherokee Nation by inter-marriage. This man married a Delaware woman and after she died he married another Delaware woman, and we have been informed that he lived with a white woman more than four five or six years, a Mrs. Tyndall, and that he had sold his improvements and moved to Coffeyville, Kansas. Please advise us as to this, and give us the names of witnesses by whom we can prove the having lived with this Mrs. Tyndall, and about the residence in Coffeyville.

Yours truly,

[illegible]

Enur [illegible] Davis,

In the [illegible]

Contract

FOR [illegible]

[illegible]

Honeyville Ind
May 24th 1902

Friend Hall

Perhaps I should write and say I am very sorry that I
made the remark to you that I did. Never since has
I been in the country. But he has not been living here for
a long time. He left his country in the time the Dalton gang
were doing their work in his country as far as I can get
information. He has been living in Coffeyville Kansas
for the last four years. He has not had any
trouble. He was had a great many friends
[illegible] of the [illegible] of the [illegible]
[illegible] but did not be in sleeping
[illegible] the fall that he was sleeping with
[illegible] the wagon. [illegible] would have
been more [illegible] to [illegible] the dead [illegible] farm with
[illegible] I will give you some notices sometime

Yours in haste

P.S. Clothes he wore near where Burrell lived
I know all of them. Lemuel Shultz they live near Remona
Burrell's farm was near there. Yours &c

John H Craig

**ATTORNEYS FOR CHEROKEE NATION**

[illegible] I. T.

Muskogee, I. T., Feb. 24, 1902.

Dear Sir:

A man by the name of Charles L. Burnett has applied to the Commission for enrollment as a citizen of the Cherokee Nation by inter-mar[illegible]. This man married a Delaware woman [illegible] one died he married another Delaware woman, and we are informed that he lived with a [illegible] since then for five or six years, a Mrs. Troxell, and that [illegible] improvement [illegible] moved to Coffeyville, Kansas. Please advise us as to this, and give us the names of [illegible] who can prove his having lived with this Mrs. Troxell, and about his residence in Coffeyville.

Yours truly,

J C Starr

To R. H. Tiner,

Ramona, I. T.

[redacted]

[illegible]

# NOTICE

[illegible]

[illegible]

[illegible]

W. T. [illegible], Treasurer.

# INDIAN LAND AND TRUST COMPANY.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Tahlequah, I. T., Feb. 21, 1902.

Mr. J. C. Shaw,

Tahlequah, I. T.,

Dear Sir:

I remember Charles C. Bennett, many years ago having bought a place from him in the valley of Caney Creek, but I do not have any personal knowledge of his personal affairs. Regretting that I can not serve you, I am

Yours faithfully,

R. L. Ross

Coffeyville Kans. Feb. 22. 1902

J. C. Stan Esq.
Muskogee I.T.

Dear Sir
The Charles C Burnett refered to in your letter of the 20th lines here but I dont know anything about his past history but if you will get Lige Bly he perhaps can tell you what you want to know I also sold a farm to Bly and he afterwards sold it to Burnett and lived neighbors to him for some time his address is Ramona. I.T.
Phill Beard of this place may be able to give you some information in regard to the Trotter matter his address is
Phill Beard Coffeyville Kans
anything I can do command me
Yours truly J Guthrie

Statement of Account

John J. Kloehr
Chas. Kloehr

Coffeyville, Kans. Feb 22 1902

M J. C. Stan
Muskogee I. T.

KLOEHR BROS.,

Livery, Feed AND Sale Stable.

EVERYTHING NEW AND UP-TO-DATE.

Rubber Tires a Specialty. Phone 150.

Dear Sir

In Regards to your inquiry of Charles Burnett will say that he had Rented his farm on Double Creek to Mrs Thorrells boys the farmed the place and Burnett boarded with them Mrs Thorrell keeping house for the boys untill Burnett sold his place and the Boys and their Mother went from here to Arizona Burnett has been living here boarding at the Southern Hotell for the last 5 or 6 years as I have never seen Mrs Thorrell here for 5 years this is the facts of the case as near as I know and can learn

Yours
John J Kloehr

RATES $1 PER DAY CENTRALLY LOCATED ON SOUTH WALNUT

# Southern Hotel,

S. L. HART, Prop.

Coffeyville, Kan., Feb 25th 1902

Mr J C Starr Sir
I received a note from you
wanting to know about C C Burnett
living with Mrs Troxel as
man and wife I am well
acquainted with him and the
Troxels having stopped there very
often, The way I allway understood
was that Luther Troxel also
Dick Troxel rented Burnett
farm and the Mother Mrs Troxel
kept house for the boys; and
said Burnett boarded with them
He got Permits for them as farmers
and got one third of the rent
as was the custome; said Burnett
has boarded at the Southern Hotel
for the last five years not falling any
business in particular always claiming
a right in the Cherokee Nation

I dont know whether he has got any property in the Nation or not I have herd him say he intended to go back to the Nation to live Claiming that to be his home He never would regeder to Vote here in Coffeyville Claiming that he was not a citizen of Kansas As for his living with Mrs Troxel as man an wife I think is a mistake For I would likely know as I have very oftin been there at his place I was also acquainted with his Delaware Wife which died several years ago: As for as him living with any white woman as man and wife I think is a mistake for I have been well acquainted with his affairs the whole time since his wifes death

Chas. Burnett

547

Yours Respectively

Phil Beard

~~Red~~ Mrs Troxel has ~~been~~ the most of the time in Arizona in the last 5 years

Catalpa N.Y.
Mar 2 1902.

Mr. J. C. Starr
Muskogee I.T.

In reply to your inclosed letter of Feb. 20. in reference to Mrs. C. Burnett will state that he married a Delaware woman who afterward died, but as to this second Delaware marriage I am not informed. In reference to Mrs. Trowell

will state that he rented
her his improvements for
several years and it was
commonly reported that he
lived with her in adultery
then sold his improvements
to a Mr. Thos Rathoff;
Traded D.T. and moved to
Dell[illegible] Kan. I met him
several times in Effingville
afterward and it is said that
he owned city property there.
I will send you the name
of C. B Tyner of Ramona D.T.
Lige Bigelow of Ramona D.T.

Geo. B. Keller of Rattlesville,
either of which can substantiate
more than I can,
Mr. Lizzie Blythe & Raymond
can tell you more about this
Mrs. Powell well &
enough I know of because
he stayed near there during
the war time.

Yours Respectfully

R. R. Jones.

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 ..... . ..... ... ..... ....., 190 .

. .. ..... ... ..... ..... .. ..... ..... ..... ..... ....

Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

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.

# NOTICE!

*IN THE MATTER OF* the application of Charles C. Burnett, for enrollment as Cherokee citizens:

Case No. D 547.

To Charles C. Burnett, Coffeyville, Kansas:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on March 19th, 1902, **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 4th, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

[illegible] 547

# SUBPOENA.

INDIAN TERRITORY, }
CHEROKEE NATION. }

TO THE MARSHAL FOR THE CHEROKEE NATION:

*You are Commanded in the Name of the Cherokee Nation*, by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons [illegible], [illegible], I. T.,

to be and appear before the United States Commission at [illegible], ..... I. T., on the [illegible] day of [illegible], [illegible], 1901, then and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under [illegible] hand this the 4th day of [illegible], [illegible] 1901.

I, hereby accept service of the within Instrument on this the day of Mar 7 1902
Tige Blythe

W. W. Hastings
Attorneys for the Cherokee Nation.

# MARSHAL'S RETURN.

INDIAN TERRITORY, }
CHEROKEE NATION. } ss

*I Hereby Certify* That I received the within summons on the..... day

of....., 1901, and that I served the same by copy, as follows:

Personally on ..... at..... this..... day of..... 1901

Personally on ..... at..... this..... day of..... 1901

Personally on ..... at..... this..... day of..... 1901

At residence of ..... at..... this..... day of..... 1901

At residence of ..... at..... this..... day of..... 1901

At residence of ..... at..... this..... day of..... 1901

With a member of witness's family over fifteen years of age there residing.

.....

Marshal for the Cherokee Nation.

CR 547

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.— C. D. 547.

Muskogee, I. T., March 4, 1902.

Mr. Lige Blythe,

Ramona, I. T.

Dear Sir:

Enclosed herewith please find a subpoena for your attendance as a witness before the Dawes Commission at Muskogee on March 19th, 1902. Kindly accept service of the subpoena by signing your name at the proper place in the blank stamped in red ink at the bottom, and return it to us by first mail, and advise us if you will be here at that time.

Yours truly,

ATTORNEYS
L. E. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 547.

Muskogee, I. T., March 4, 1902.

Mr. R. B. Turner,

Ramona, I. T.

Dear Sir:

Enclosed herewith find a subpoena for your attendance as a witness before the Dawes Commission at Muskogee, I. T., on the 19th day of March, 1902. Kindly accept service of the same by signing your name at the proper place in the blank stamped in red ink at the bottom of the subpoena, and return the same to us by first mail; and advise us if you will be on hand promptly on that date.

Yours truly,

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE ENROLLMENT

W. W. HASTINGS, ATTORNEY
J. C. STARR, SECRETARY

MUSKOGEE IND TER June 11, 1902.

Before the Commission to the Five Civilized Tribes,
Muskogee I. T.

Motion of the Cherokee Nation.

Comes now the Cherokee Nation and represents to the Commission that it is reliably advised that Charles C. Burnett has been a non resident of the Cherokee Nation for a number of years and that he owns no property or effects within the limits of the Cherokee Nation; that he is at present a resident of Coffeyville, Kansas and moves the Commission to summon the said Charles C. Burnett again before it where he can be further examined with reference to his residence and such other facts which might affect his right to be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

W W Hastings JCS

Attorney for the Cherokee Nation.

Cherokee D 547.

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE ENROLLMENT

W. W. HASTINGS, ATTORNEY
J. C. STARR, SECRETARY

MUSKOGEE, IND. TER. June 30, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen,-

You are hereby respectfully notified that the Cherokee Nation desires to introduce some additional testimony in the following doubtful Cherokee Cases on July 10th 1902:-

C. D. 58 Columbus M. Reeves

C. D. 229 Emma H. Hussey,

C. D. 547 C. C. Burnett.

We have been advised that Columbus M Reeves who applied for enrollment as a citizen of the Cherokee Nation by intermarriage had been previously married and was not divorced from his first wife when he married his present Cherokee wife through whom he claims citizenship and we have notified Columbus M. Reeves at his post office address of our intention to take testimony upon the date hereinabove indicated.

We are also advised that Emma H. Hussey , enrolled on Doubtful Card no 229 is not a resident of the Vicinity of Tulsa I. T. and we have summoned the post master of the town of Tulsa to be here on the 10th day of July 1902 to testify as to her residence in this case. Notice was also sent to her at her post office address.

In the case of C. C. Burnett it will be impossible for the Cherokee Nation to imtrduce additional testimony unless the applicant himself presents himself for additional examination in as much as he claims improvements upon the public domain of the Cherokee Nation, Which can not be disproved unless said improvements are definitely located,

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

W. W. HASTINGS, ATTORNEY
J. C. STARR, SECRETARY

CHEROKEE ENROLLMENT

MUSKOGEE, IND. TER.

and we therefore notified him to be present on the 10th day of July, 1902 so that he may be further examined as to his residence and as to what improvements if any he owns in the Cherokee Nation.

Respectfully,

Attorney for the Cherokee Nation.

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

Cherokee D 547.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Charles C. Burnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enclosure H. No. 88.

Land.

72595-1902.

( COPY )

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Feby. 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated December 3, 1902, forwarding, for the Department's consideration, the record relative to the application of Charles C. Burnett, for enrollment as an intermarried citizen of the Cherokee Nation.

December 1, 1902, the Commission held that the applicant was not entitled to enrollment.

The record in this case shows that Charles C. Burnett is identified by the 1880 roll and the 1896 Census roll, as an adopted white; that he has been married twice; that both of his wives are now dead; that they were both citizens of the Cherokee Nation, of Delaware blood; that his second wife died about twelve or fifteen years prior to 1900, and that he has not married since her death.

The Commission takes the position that the evidence shows that the applicant has resided in the State of Kansas since 1897, and that he is not, therefore, under the following provision of the Curtis act, "no person shall be enrolled who has not heretofore "removed to and in good faith settled in the nation in which he "claims citizenship", entitled to enrollment.

The record in this case does not show whether the applicant was married to either of his wives in accordance with the laws of the Cherokee Nation, but, inasmuch as his name appears on the 1880 roll, it is presumed that he was at least married to his first wife in accordance with the laws of that Nation. He first married "along in 1870" an adopted Delaware woman by the name of Wuskelengon. She died about three years after their marriage.

In 1875 he married another Delaware woman named Quantandut.

The record shows that the applicant testified that he had never made a home anywhere except in the Cherokee Nation; that he was "intimidated out of the country for a while by desperadoes", but that he never registered anywhere other than in the Cherokee Nation; that he had been living temporarily at Coffeyville; that he boarded there; that "about four or five years ago I was threatened with my life; "I was accused of killing another man at Bartlesville, and they threatened my life and I left at that time through fear", and he never exercised the rights of citizenship in the State of Kansas or elsewhere.

On October 19, 1900, John H. Coody testified that he was acquainted with the applicant; that he had known him since he was a boy; that he had always understood that the applicant considered himself a citizen of the Cherokee Nation; that there had never been any dispute about the applicant's citizenship, so far as the affiant was advised; that the applicant registered at the hotel in Coffeyville as from the Cherokee Nation, "that is, the Indian Territory", and that the applicant had been looked upon as a man who lived "on this side of the line."

March 22, 1902, further proceedings were had in the case, and Elijah Ely, on the part of the Cherokee Nation, testified that he was

acquainted with the applicant; that he had known him about twelve years; that he used to live above Bartlesville; that he owned a farm there; that he sold the same; that he then went to Oklahoma, but soon returned to the Cherokee Nation; that he afterwards went to Kansas; that while he resided on the farm he lived with a white woman by the name of Troxey, and that it was the supposition throughout the country "that they were living there together". He testified that Mrs. Troxey lived in the Cherokee Nation at the same time that the applicant did. He further testified that Mrs. Troxey was not recognized by the people of the vicinity as the wife of the applicant; that he did not introduce her to the people of that community as his wife; that "it was understood that a marriage ceremony had not been performed", and that he did not know, of his own knowledge, whether the applicant owned, within the limits of the Cherokee Nation, "two farms or one farm, or no farm".

R. B. Tyner, on March 22, 1902, testified on behalf of the Cherokee Nation that he was acquainted with the applicant; that the applicant purchased a place from Mr. Bly near Ramona; that that he best of his recollection he disposed of the place three or four years after he had purchased it; that the applicant then went to the vicinity of Coffeyville; that the applicant does not own any improvements in the vicinity of Ramona; that while the applicant lived on the farm a white woman by the name of Mrs. Troxey lived with him; that the people did not know whether a marriage ceremony had been performed, but "recognized them as living together"; that the applicant did not represent to the community in which he lived that Mrs. Troxey was his wife, and that he did not, of his own

knowledge, know whether the applicant, Charles C. Burnett, and Mrs. Troxey, lived together as husband and wife.

October 17, 1902, James W. Gibson testified that to the best of his knowledge, (in June 1898), the applicant lived on Double Creek, in the Cherokee Nation; that the applicant told him he intended to return to the Cherokee Nation as soon as the Delawares received their allotments; that he had no place to stay, and that that was why he went to Coffeyville.

The record shows that on October 17, 1902, the applicant was notified, by telephone, that testimony would be taken in his case on that day at Dewey, Indian Territory, and that on October 28, 1902, he addressed a communication to the Commission, withdrawing his application, for the reason that he was an old man and his health would not permit him "to travel back and forth between this place, "(Coffeyville), and Muskogee, as you require of me".

The applicant, the records shows, was 65 years of age in 1900.

The record in this case does not show that the applicant has removed from the Cherokee Nation and become a citizen of the State of Kansas, or of any other State. He is a white man and acquired his citizenship rights by intermarriage.

When the applicant married his Delaware wife, who was a citizen of the Cherokee Nation, he became a citizen of that Nation, and to all intents and purposes his status was the same as that of a native Cherokee. He could only expatriate his citizenship by removing from the Cherokee Nation and becoming a citizen of some other government. The record does not show that he has abjured his citizenship by so doing. The fact that he may have lived in the Cherokee Nation with a white woman subsequent to the death of his second wife has nothing

to do with his right to citizenship in the Cherokee Nation, unless it be shown that he was married to the woman. The record shows that he was not married to her, and that he has not married since the death of his second wife, in about 1885 or 1886.

In view of the foregoing, the office is of the opinion that the applicant is entitled to enrollment as an intermarried citizen of the Cherokee Nation, and it therefore respectfully recommends that the decision of the Commission adverse to him be not approved, and that the Commission be directed to enroll him as a citizen of the Cherokee Nation by intermarriage.

The fact that the applicant wrote a letter to the Commission withdrawing his application should not be permitted to militate against him. If he is entitled to enrollment as a citizen of the Nation he should be enrolled, even though he seems to have determined to make no further effort to establish his rights.

In connection with this case the attention of the Department is respectfully invited to Department letter of February 6, 1903 (I.T.D.792), relative to the enrollment of Robert L. Couch, as a citizen of the Cherokee Nation.

Very respectfully,

Commissioner.

GAW-O

D.C.53183-1906.

( COPY )

DEPARTMENT OF THE INTERIOR

Y.P.
FHE.

WASHINGTON.

I.T.D.1676-1903.

November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application of Charles C. Burnett for enrollment as an intermarried citizen of the Cherokee Nation is denied. Burnett was married twice; both of his wives, now deceased, were Delaware-Cherokees. His name is on the 1880 roll.

A copy of Indian Office letter of February 16, 1903, submitting the papers in the case, and in which it was held that the applicant is entitled to enrolment, is inclosed. The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 5 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 547.

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

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application for the enrollment of Charles C. Burnett as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior November 30, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-7.
S.W.

No 547

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Cher D 548

D548

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1900

ACTING CHAIRMAN

A NOTICE FOR SUMMON

AUSTIN SCRUGGS

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, Indian T., [illegible] 9, 1909.

In the matter of the application of Austin Sampson for the enrollment of himself as a Cherokee, [illegible] being sworn by Com'r Brookbridge and examined by the Commission, he testified as follows:

Q What is your name, please? A Austin Sampson.
Q How old are you? A [illegible] 24.
Q What is your post-office? A Stilwell, Indian Territory.
Q For whom do you apply? A For myself.
Q Where do you live, in what district? A Cooweescoowee District.
Q You make your real home there? A Yes sir.
Q How long have you lived there? A All my life.
Q Have you been outside the Indian Territory within the past three years? A No sir.
Q What is the name of your father? A Shawnee Sampson.
Q Is he living? A No sir.
Q Is he a Cherokee by blood? A Yes sir.
Q What is your mother's name? A I don't know her name.
Q To what District in the Cherokee Nation did your father belong.
Q Where did he live? A He lived in Cooweescoowee District.
Q Is your mother a Cherokee by blood or a White woman? A She is a Shawnee.
Q You make application, then, as a Shawnee by blood do you?
A Cherokee.
Q Have your name, or her name the 1880 authenticated roll of citizens of the Cherokee Nation? A I don't know whether it does or not.
Q Is your name upon the 1896 roll? A Yes sir I think so.
Q What proportion of Cherokee blood do you claim? A Half.
Q Are you married? A No sir.
1880 roll examined for applicant and name not found.
Q Where were you living in 1880? A Living in Cooweescoowee District.
Q You know why your name does not appear upon the 1880 roll?
A No sir, I have got the papers fixed up; Norwood has got the papers I never got to see him; he is here somewhere.

Examined by Cherokee Representative W.W.Hastings:

Q Where were you born? A I was born in the Cherokee Nation.
Q Where? A Close to Stilwell.
Q Was your mother a Shawnee? A Yes sir.
Q Your father considered a Cherokee.
Q Did you take an allotment with the Eastern Shawnees? A No sir.
Q Did you take an allotment out on the Strip? A No sir.
Q Did you take an allotment out in Kansas? A No sir.

The Commission:
Q Were you ever admitted to citizenship in the Cherokee Nation by act of the Cherokee council? A Yes sir.
Q When was that? A In 1889.
Q When did your father die? A I don't know,- about 2 9 years ago.
Q Did your father ever take an allotment in the Strip? A No sir
Q Did he ever take an allotment in Kansas? A No sir, I don't think he did
Q Was your father born and raised in the Territory? A Yes sir, he was born here.
Q Did your father always live in the Cherokee Nation? A Yes sir
Q Did he ever move out of the Cherokee Nation? A Yes sir.
Q Where did he move to? A Did he go to Kansas? A Yes sir.

Q When was that, do you know? A No sir.
Q Was that before you were born or after you were born? A Before, I guess.
Q How long did your father remain in Kansas? A I don't know.
Q Do you know when he came back to the Territory? A No sir.

C.C.[illegible], being sworn and examined by the Commission testified

Q What is your name? A C.C.[illegible].
Q What is your age? A [illegible] old.
Q What is your post-office? A [illegible], Indian Territory.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir
Q Do you know the applicant, Austin Sampson? A Yessir
Q Do you know why his name doesn't appear upon the 1880 roll?
A Yes sir.
Q Why was that? A He wasn't here.
Q Where was he at that time? A At Shawnestown.
Q Where is Shawnestown? A Tecumseh is the name of the place now.
Q Where is Tecumseh? A It is in Oklahoma,- Sac and Fox Agency.
Q Do you know whether the applicant's father, Shawnee Sampson, ever took an allotment in this country? A No sir, he was dead before they ever took an allotment.
Q Do you know whether Austin Sampson was re-admitted to citizenship in the Cherokee Nation? A Yes sir.
Q When was that? A In 1887.
Q You know of your own personal knowledge that he was admitted?
Yes sir.

Shawnee Sampson was in only a year given him - his right name is John Sampson - that's this boy's father - in regard to the allotment. A good many took an allotment down there, and this boy's sister took an allotment, and I wrote to the Agent of Sac and Fox to find out whether he took it before we came back here, and he wrote me that Austin Sampson had never taken an allotment.

Cherokee-Shawnee Pay Roll examined and name of applicant not found on roll.

1896 roll page 220, 2224 Austin Sampson, Coosawatee District, Shawnee

APPLICANT RE-CALLED, and examined by the Commission:

Q Did you draw any money when the Shawnees drew in 1896? A Yes sir.
Q Under what name? A Under the name of Austin Sampson.
Q How much money did you draw? A Two hundred and sixty-five dollars and seven twenty-five cents.
Q Do you know the officer who named Austin Sampson? A No sir, I don't.

1894 roll page 204 4417 Austin Sampson, Coosawatee District.

The Commission: The name of the applicant, Austin Sampson, cannot appear upon the roll of 1880 authenticated roll of the Cherokee Nation; he is identified upon the census roll of 1896 as a Shawnee by blood; his name also appears upon the Strip Payment roll of Cherokees by blood for the year 1894; he claims that his father, Shawnee Sampson, was a native Cherokee; his mother, whose name he does not know, he claims to have been a Shawnee; he swears that he was admitted to citizenship in the Cherokee Nation in the year 1887, but produces no papers or certificate showing the fact admitting him; his name will be placed upon a designated card and he will be required to file with the Commission certificate of the act of the Cherokee Council admitting him to citizenship in the Cherokee Nation.

[illegible]

[illegible] that in [illegible] phor to [illegible] correctly recorded [illegible] that the foregoing is [illegible] from [illegible] notes thereof.

[illegible]

[illegible] this [illegible] day of October [illegible]

[illegible]

Commissioner,

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 30th 1901.

In the matter of the application of Austin Sampson, Cherokee case D-548
SUPPLEMENTAL TESTIMONY

Appearances:
W. W. Hastings for the Cherokee Nation
Applicant present in person

AUSTIN SAMPSON being sworn by Com'r C. R. Breckinridge, testified as follows in his own behalf,
( By the Commission )
Q You applied before the Commission in October of last year at Bartlesville? A Yes sir.
Q You claimed at that time that you had been readmitted to citizenship by the Cherokee authorities in 1887? A Yes sir I think so I dont recollect now; the papers are filed with the Commission.
Q What kin are you to Eli Ellis? A Some kin I dont know exactly.

Upon referring to Cherokee straight card #4347 entitled Eli Ellis et al, there is found filed therein a duly authenticated statement of the record of the Cherokee Nation, signed by W. H. Hayes assistant Executive Secretary, under the seal of the Nation, dated November 8th 1893, to the effect that certain persons were readmitted to citizenship in the Cherokee Nation by act of Council approved November 28th 1888, and among others appears the name of Austin Sampson.
Q Do you claim that is your name? A Yes sir.
Q And that you are the Austin Sampson named herein? A Yes sir.
Q What kin to you is the Lizzie Sampson named herein? A Sister.
Q What kin to you is the John Sampson named herein? A Father.
Q And Thomas? A Half brother.

All of these names are likewise identified in the document. The condition accompanying this readmission is to the effect that the rights of readmission were not to accrue until the parties ~~[illegible]~~ reported to the Principal Chief within twelve months from the date of the act and permanently located in the Cherokee Nation.
Q When did you come back from Kansas? A I never was there.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Are you living here now? A Yes sir.
The document referred to is considered satisfactory evidence of the readmission to citizenship of the applicant, as heretofore referred to by him.
( By Hastings )
Q You went to Shawnetown Oklahoma didn't you? A Yes sir until my father died.
Q When did he die? A When I was eight years old.
Q Were you living here when you were readmitted? A Yes sir.
Q And have been living here ever since? A Yes sir.
BY COM'R BRECKINRIDGE:
This testimony will be filed as supplemental testimony in the applicants case, Cherokee D-548. He is considered to have established in a satisfactory manner at the present examination, his readmission to citizenship in the Cherokee Nation in 1888, and it is shown that he has lived in the Cherokee Nation since a period prior to that readmission and no reason is shown why this case should not, when it is reached in its regular order, be transferred to those which are listed regularly for enrollment as Cherokee citizens.
Q Your mother was a Shawnee? A Yes sir.
The applicant should properly be termed, under the usual practice, as a Cherokee-Shawnee

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Chas. Van Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings.

CHEROKEE 3 446

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, February 21,1908.

In the matter of the application of Austin Sampson, for enrollment as a citizen of the Cherokee Nation.

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There was filed with this Commission as an exhibit in Cherokee Case No. 4347, a certificate bearing the seal of the Cherokee Nation and signed by W. H. Mayes, Assistant Executive Secretary of the Cherokee Nation to the effect that Austin Sampson, among others, was re-admitted to citizenship in the Cherokee Nation by an Act of the National Council approved November 28, 1888, conditioned that the persons re-admitted by said Act would within twelve months from the date of some permanently locate in the Cherokee Nation.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

Cherokee D 548

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Austin Sampson for enrollment as a Cherokee citizen.

On the ninth day of October, 1900, Austin Sampson appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time his name was placed upon a "Doubtful" card awaiting proof of his admission to citizenship in the Cherokee Nation as alleged.

Further evidence in that matter has been submitted to the Commission and the following decision is rendered.

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D E C I S I O N.

--oOo--

From all the evidence of record in this case it appears that Austin Sampson is a Shawnee Indian and that he was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on the 28th day of November, 1888. He has resided in the Cherokee Nation all his life, and is identified on the Strip payment roll of 1894, and the Cherokee Census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Statu., 495);

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

They [illegible] [illegible] law, [illegible] intermarried [illegible] under Cherokee laws.

In view of the facts and the law in this case it is considered that Austin Simpson is entitled to be enrolled as a Cherokee citizen of Shawnee blood, and it is so ordered.

[illegible]

[illegible]

[illegible]

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1907

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D-548.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Austin Sampson for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commision such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-548.

Austin Thompson

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Certificate of marriage to be supplied.

OK

LETTER OF THE APPLICATION

Austin Thompson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 1/19/05

B. Memo. of Application of 1/19/05

C. Supplementary testimony Oct 20 1905

Copy of testimony filed with Cherokee Commission

Sept. 15, 1902. Cancelled and transferred to Cherokee No 9594

Enrolled

Cher D 549

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 6 1909

ACTING CHAIRMAN.

Approved this 1 day of October, 1909.

SECRETARY.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T. October, 8th 1900.

In the matter of the application of Dr. Frank Gorban for the enrollment of himself and one child as Cherokee citizens. Frank Gorban being duly sworn testified as follows- ( By Commissioner Breckinridge)

Q. How old are you? A. 50 years old.
Q. What is your post office? A. Collinsville , I. T.
Q. Coowescoowee is your district is it? A. Yes sir.
Q. Who is it that you want to have put on the roll? A. My daughter.
Q. You dont apply for your own enrollment? A. Only on certain conditions——I married my first wife in 1879 and a white woman afterwards.
Q. Do you what yo apply for yourself and your daughter? A. Well yes sir.
Q. Is this child under 21 years of age? A. Yes sir.
Q. You apply for yourself as an intermarried Cherokee ? A. Yes sir.
Q. When were you married to your Cherokee wife? A. in 1879.
Q. What was the name of that wife? A. Mary Downing.
Q. She is dead is she? A. Yes sir.
Q. When did she die? A. Just disremember now the date, think it was in 1883 or 4.
Q. Then you married again? A. Yes sir.
Q. To whom did you marry the second time? A. Maggie Scott.
Q. Is she a Cherokee or white woman? A. White woman.
Q. When did you marry her? A. I married her three years ago.
Q. Have you made your home in the Cherokee Nation ever since you married in 1879? A. Yes sir, and mostly in this district.
Q. Give me the name of your child please. A. Sarah M. Garban.
Q. How old is she? A. She was 19 years of age the 17th of last Sept'
Q. How old was your wife Mary Downing when she died? A. 31 years of age.
Q. What was her mothers name? A. I believe her name was Katie Downing.
Q. Was her father living then? A. No sir he was dead.
Q. Her mother is dead now is she? A. Yes sir.
Q. What was her fathers name? A. Jim Downing.
Q. Was Jim Downing living in 1880? A. No sir I dont think he was.
1896 Roll, page 300, No. 255, Frank Gorban, Coowescoowee, Adopted white
1896 " " 137, " 1164, Sarah Gorban, "
NOTE " This girl is the child of Mary Downing and Frank Gorban. "
Q. This child is living now, is she? A. Yes sir.
The applicant applies for the enrollment of himself and one child. He states that he was married to a Cherokee wife in 1879, and that since her death he has married a white woman. He is identified on the roll of 1896. He states that he has lived in the Cherokee Nation since his first marriage in 1879. He is not identified on the roll of 1880, at which time he states he was living with his Cherokee wife, nor is she identified on that roll. The applicant is considered to have lost his right to enrollment by his marriage to his present wife, a white woman, some 3 years ago, even if he had established a right to enrollment arising from his marriage to his Indian wife. His application for his own enrollment is therefore rejected. His child, Sarah M. Gorban is identified on the roll of 1896; her mother, the applicant's first wife, is not identified on the roll of 1880 through living at that time. The child is living at present and the application for her enrollment will be placed upon a doubtful card for the further identification of her mother.

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

Chas. Coulbrus

Subscribed and sworn to before me this the 9 day of October, 1900.

C. H. Mace

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOV 12 1900

SUPPLEMENTAL: D 548

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I T., November 10, 1900.

In the matter of the application of Sarah E. Corban for enrollment as a Cherokee citizen,
Martha Bussey being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Martha Bussey.
Q How old are you? A 18 years old.
Q What is your post-office? A Claremore, Indian Territory.
Q Are you a Cherokee citizen? A Yes sir.
Examined by Attorney J.H. COX:
Q Are you acquainted with Dr. Corbane? A Yes sir.
Q Were you acquainted with his wife in her life time? A Yes sir.
Q As to what her maiden name was and who her father was? A Polly Downing was her maiden name, and her father's name was Jim Downing.
Q You may state, if you know whether there was a child born to Dr. Corban and Polly or Polly Corbane? A Yes sir.
Q If so, what was its name? A Sarah Corban, was its name.
Q Were they related to you? A Yes sir.
Q If so, state what? A Sarah Corban's mother was my father's sister.
Q Do you know whether Sarah Corban is still living or not? A Yes sir, she is still living.
Q Sarah E. Corban's grand-father was your grandfather? A Yes sir.
Q And a Cherokee Indian by blood? A Yes sir.
Q You may state whether Sarah E. Corban or her mother ever lived anywhere other than in the Cherokee Nation? A Not as I ever knew of.
Examined by Cherokee Atty W.W. Hastings:
Q What was your father's name? A Mack Downing.
Q And Sarah Corban's mother was Mary Downing, or Polly? A Yes sir, I always heard her called Polly.
Q She was a full sister of your father? A Yes sir.
Q They had the same father and the same mother? A Yes sir.
Q How old are you? A 18 years old.
Q When did Mary or Polly Corban die? A I don't remember.
Q Did you ever remember her? A Yes sir, I remember her, I don't remember though when she died; I was very small.
Q Was she living with Corban at that time? A Yes sir.
Q Her name was Corban then at the time of her death? A Yes sir
Q Do you know where she was living when she died? A I think she was living out here in Dog Creek when she died.
Q Cherokee Nation? A Yes sir.
Q This was Corban has since married to white woman? A Yes sir, I think so.

GEORGE PUMPKIN, being sworn and examined by Comm'r Needles testified as follows:

Q What is your name? A George Pumpkin
Q What is your age? A 61
Q What is your post-office address? A Choutau.
Q Are you a recognized citizen of the Cherokee Nation by blood? A Yes sir.

Examined by Att'y J.H. Cox:
Q Do you know the Downing family? A Yes sir.
Q Did you know Jack Still? A Yes sir.
Q Do you know who he married? A He married Molly Downing, Jim Downing's daughter, Joe Downing's sister.

Sarah A. Corban #2 (Geo Pumpkin wit #2

Q You may state, if you know, whether Still is yet living?
A No sir, he is dead.
Q Do you know who his widow married? A Married a fellow by the name of Dr Corban, as called him.
Q Do you know whether there was a child born to Dr Corban and Mrs Molly Corban? A Yes sir, they had one child.
Q Do you know whether it was a girl or a boy? A Girl.
Q Do you know what it was named? A Girl named Sarah I believe.
Q How long have you known the family - Downing family?
A Oh, a great many years, - neighbors there.
Q Did you ever know Molly Downing who since married Jack Still and Dr Corban to live anywhere other than in the Cherokee Nation?
A Why they lived over here.
Q In the Cherokee Nation? A Yes sir, right above here on Dog Creek, somewhere up in Thom hollow; if I ain't mistaken Molly died there somewhere in that neighborhood.

By Com'r Needles:

Q Do you recollect when she married Corban? A I couldn't state
Q You know this Mary Still? A Yes sir.
Q Did she have any sisters or brothers? A Yes sir.
Q What was her brother's name? A Joe Downing, Jim, Mack; there was two or three more girls but I couldn't exactly name the names.

By Cherokee Atty Hastings:

Q Did you know this Mary or Molly Downing personally? A Yes sir
Q Did you know her after she married Corban? A Yes sir.
Q Where did they live? A Over here on Dog Creek awhile and they lived over there in the Joe Downing neighborhood awhile.
Q Do you know that she was a full-sister of Mack Downing? A Yes sir, I believe I do, Joe Downing is her brother.
Q That the member of counsel? A Yes sir.
Q You know that personally? A Yes sir; I do.
Q You know that she married Corban? A Yes sir.

By Com'r Needles:

Q What was her father's name? A Jim Downing.
Q Do you know any reason why this Mary Corban should not be on the roll of 1880? A No sir, I don't.
Q Ought she to have been on, - was she a citizen at that time, in your opinion? A I couldn't tell you. Before that time I don't tell you whether she was enrolled, - if it is not on the roll I don't know why it is not on the roll.
Q Ought she to have been on, in your opinion? A Yes sir.
Q She was a Cherokee citizen at that time, by blood? A Yes sir, oh yes.
Q Do you know what degree of blood she had? A No sir.

WILLIAM MILLER, being sworn and examined by Com'r Needles testified as follows:

Q What is your name? A William Miller.
Q What is your age? A 47.
Q What is your post-office address? A Claremore.
Q Are you a Cherokee citizen by blood? A Yes sir.

Examined by Attorney J. D. COX:

Q Are you acquainted with Mr Corban? A Yes sir.
Q Were you acquainted with his wife, Mary Corban during her lifetime? A Yes sir.
Q Where did she live, does you know, then? A Out above us here on Dog Creek.
Q When did you first get acquainted with them? A I don't exactly recollect, - it has been along in 1879 I reckon.
Q Or so somewhere along there? A Yes sir.
Q Do you know whether they had a child born to them or not?
A Yes sir. They had a child born to them.
Q Was it a boy or a girl? A It was a girl.
Q Do you know when it was the child was born? A No sir, I couldn't tell the year.

Q Do yu know whether Mary or Molly Corban was a Cherokee by blood or not? A She was considered so, yes.
Q Do you know what the name of this child was? A Its name, I don't recollect its name.
Q It was small. Yes sir, I t was small.
Q Do you know of any reason why Mary Corban and the wife of Dr. Corban should not have been on the roll of 1880? A No I don't know.
Q There was never a dispute as to her Cherokee citizenship that you ever heard of? A Never have heard of any.

DR. FRANK CORBAN, being sworn and examined by Com'r Needles testified as follows:

Q What is your name? A Dr Frank Corban.
Q What is your age? A 51 years
Q What is your post-office address? A Collinsville.
Examined by Atty J.R.COX:
Q You are the husband of Mary or Molly Corban are you, or was during her lifetime? A Yes sir.
Q Can you remember exactly the date that you were married to her? A No sir, I don't exactly remember just exactly what date it was that I married her, but to the best of my knowledge it was along somewheres in 1878 or 1879.
Q Where were you married? A At Polly Downinge House, Preacher Swimmer married us after we got a license from Tahlequah District of Allen Ross, He was district clerk at Tahlequah.
Q You presented a petition A Yes sir. I got a petition signed by 10 Cherokees by blood.
Q What was your wife's name at the time you married her? A Molly Still, she was a widow woman, and had a man named Jack Still before I married her; that is what she always told me,- I never saw the man.
Q Do you know why your name and hers don't appear upon the 1880 roll. A No sir
I do not, I have been here ever since 1878 or 1879 to the best of my remembance, and every time they have taken the census here they always taken my name on the roll, and why it don't show up I can't account for it.
Q You may stat if they took the census at your place about 18307 A Yes sir,
I remember they taken the census several times here, and when I lived up here on Dog Creek they took the census there of me and my family, and I drawed money at Vinita for my wife and child, and she was just a baby;- Major Lipe paid the money out there,- the first grass money they paid out.
Q Was your daughter Sarah E. Corban was just a baby. A Yes sir. And then it was taken one time in Tahlequah District and it has been taken three or four times out here in Cooweescoowee District; Arch McCoy and Mr. Chambers took it in 1896; that shows up on the rolls all right, but the other times on the rolls it seems like it doesn't show up.
Q Who took the census at your place on Dog Creek. A Dick Duck was one to the best of my knowledge; but the other one I don't know his name now.
Q What was your wife's father's name? A James Downing.
He has got a son by that name, they always call him Young Jim, and Young Jim has got a brother named Mack Downing and there is one older, Joe Downing; he is just a half breath to my wife; that's what they claim,- just a half brother, By different mothers but the same father.
Q Was Maryor Molly Corban's right to Cherokee citizenship ever questi ned so far as you know? A Never has in my knowing, never has been disput d, because I drew old settler money here, right here at Claremore for my daughter, she is on the old settler roll, and I drew money for her.

Sarah E. Corman 4 (Dr Frank Corman
witness 2

Examined by Cherokee Atty Hastings.
Q Did you draw money for yourself when you drew for that child in 1880? A No sir.
Q You never did draw any money? A No, I never did draw money for myself.
Q There have been two or three payments you ought to have drawn?
A There were, but I never did draw any, I was married legally a
Q Well you have been married to a white woman anyhow?
A Yes sir, under Cherokee law, by Joe M. Lahar.
By Com'r Needles.
Q Your wife's first husband still, was he a Cherokee by blood or a white man? A He was a Cherokee by blood; that is the way I understand it.

Com'r Needles: It is from the testimony submitted to-day it is considered by the Commission that Sarah E. Corman should be listed upon a regular card, and her name taken from the doubtful card, D 849.

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 12th day of May 1900.

C Needles

Commissioner.

Cherokee D 548

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah E. Corbam as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 9, 1900, Frank Corbam appeared before the Commission at Bartlesville, Indian Territory and then and there made application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his child Sarah E. Corbam as a citizen by blood of the Cherokee Nation. Upon the evidence then submitted Frank Corbam was listed on Cherokee Roll card, Field No. R 548. On November 10,1900, at Claremore, Indian Territory, further evidence was submitted in the matter of this application.

The evidence in this case shows that Sarah E. Corbam is the daughter of Frank Corbam, a white man and Mary Corbam his wife. Mary Corbam at the time of her marriage to Frank Corbam was the widow of a man by the name of Still. Her maiden name was Downing. She can not be identified on the authenticated tribal roll of 1880, under either of her above names. Frank Corbam was married to her, however, by authority of a Cherokee marriage license, and it appears upon examination of the authenticated tribal roll of 1880, that her brothers Jim and Mack Downing are identified upon that roll as follows:

James Downing, Jr...page 783, No. 500 Tahlequah District.
Mack Downing, page 783, No. 500 Tahlequah District.

Sarah E. Corbam is identified on the Cherokee Census Roll of 1896, and has lived in the Cherokee Nation all her life.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 495).

It is therefore the opinion of the Commission that Sarah E. Corban is lawfully entitled to be enrolled as a member by blood of the Cherokee tribe of Indians in Indian Territory, and that the application for her enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 9 - 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-248.

Muskogee, Indian Territory, June 8, 1902.

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

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 8, 1902, in the matter of the application of Sarah E. Corban for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,

Tams Bixby

Acting Chairman.

Encl. D-248.

IN THE MATTER OF THE APPLICATION OF

Sarah E. Jordan

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/9/00

B. Memo. of Application of 10/9/00

C. Supplementary testimony of 11/10/00

Sept. 15, 1902 Cancelled and transferred to Cherokee No. 9595

See Cherokee Jacket R 240

Enrolled

IN THE MATTER OF THE APPLICATION OF

Sarah E. Cobb

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Denied —

Cher D 550

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Feb. 8, 1906.

In the matter of the application of Hattie Ellen Keys for the enrollment of herself and one child as Cherokee citizens, being sworn by Commissioner Brackinridge and examined by the Commission she testified as follows:

Q What is your name? A Hattie Ellen Keys.
Q How old are you? A 45
Q What is your post-office? A Ramona I. T.
Q For whom do you apply? A Myself and one child.
Q Where do you live? A At Ramona.
Q What district is that in? A Coowescoowee.
Q How long have you lived there? A A year now.
Q Where did you live prior to that time? A Wowsat a
Q How long have you resided in the Cherokee Nation? A Since 1877.
Q Have you been out of the Indian Territory within the past 3 years? A Yes sir.
Q For what purpose did you leave the Territory, and how long were you absent? A For the purpose of my daughter's health, I was gone about three months.
Q Have you been out of the Territory, with the exception of that time, at any time within the past three years? A No sir
Q Does your name appear upon the authenticated roll of 1880? A My husband does, not mine, I am on all the other rolls.
Q Do you make application as a Cherokee by blood or intermarried citizen? A Adopted citizen.
Q What is your father's name? A William Willer.
Q Is he living? A No sir
Q What is your mother's name? A Orlena Willer.
Q Is she living? A Yes sir
Q Are they both white? A Yes sir
Q What is the name of your husband? A William Isaac Keys.
Q Is he living? A No sir
Q Was he a Cherokee by blood? A Yes sir
Q Does his name appear upon the authenticated roll of 1880?
A Yes sir.
Q How long has your husband been dead? A Died April 25 1887.
Q Did you live with your husband up until the time of his death?
A Yes sir.
Q Have you ever been married since the death of your husband?
A Yes sir
Q To whom were you married? A S. M. Tyner.
Q Is he a Cherokee by blood, or white man? A Cherokee.
Q Is he living or dead? A Living.
Q How long did you live with Mr. Tyner? A 4 months.
Q Did you leave him or did he leave you? A I left him.
Q What was the cause of the separation? A Adultery.
Q Then after that your separation from Tyner you went back to the name and used the name of your former husband? A Yes sir.

By Cherokee Rep've W.W. Hastings:
Q Was there any divorce between you and your husband, Tyner?
A Yes sir, he is married again.
Q Who secured the divorce? A He.
Q He sued you? A Yes sir.
Q What did he allege as the ground of divorce? A Desertion.
Q And the court granted it? A Yes sir,
Q Didn't you answer in the court? A No sir.
Q You allowed it to go on the ground of desertion? A Yes sir
Q Have you ever married since that time? A No sir.

Mattie Allen Keys et al 2

By the com'n:

Q What's the name of this child for whom you make Application? A Myrtle Keys.
How old? A She is 14
Q Who was the father of this child? A William Isaac Keys.
Q Have you any evidence of your marriage to your former husband, William Isaac Keys? A I have my marriage certificate here. (Produces papers)
Q What was your name before you married Keys? A Holland was my name before I married Mr. Keys.
Q Was your former husband a white man or a Cherokee? A White man.

By the Com'n: The applicant presents marriage certificate showing that she was married to I. W. Keys, a citizen of the Cherokee Nation, according to the laws of the Cherokee Nation, by Rev. Palmer on the 4th day of January 1882, said Palmer being a minister of the Gospel; license was duly recorded on the 2nd day of April 1882. Same will be filed therewith.
1880 roll for former husband, page 126 #1601 as J. W. Keys, Coowee-scoowee District native Cherokee;
1896 roll page 312 #5496 Mattie Keys, Coweescoowee District intermarried;
1896 roll page 194 #2711 Myrtle Keys, Coweescoowee District, native Cherokee;
Q Did you live with Keys until he died? A Yes sir.

By the Commission: The applicant applies for the enrollment of herself and daughter; she is identified upon the census roll of 1896 as an intermarried Cherokee; she presents duly authorized marriage certificate showing her marriage to William Isaac Keys in the year 1882; she avers that she lived with Keys until the time of his death; her residence in the Territory has been duly established; after his death she married C. D. Tyner, whom she declares to be a citizen by blood of the Cherokee Nation; she lived with him only 4 months; he then secured a divorce upon the grounds of desertion; according to section 667 of the Compiled Laws of the Cherokee Nation of the year 1892,

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife or husband, shall thereby forfeit every right and privilege of citizenship in this Nation".

Her application will therefore be placed upon a doubtful card for the further consideration of the commission, and when final judgment is rendered in her case, she will be notified at her present post-office address, whether favorable or unfavorable.

Now as to the enrollment of her child, Myrtle Keys; the father of this child, William Isaac Keys is duly identified upon the roll of 1880 as a native Cherokee; he was lawfully married to Mattie M. Keys, the applicant, in the year 1882, this child, Myrtle Keys, being the result of said marriage; the child is identified upon the roll of 1896 as a native Cherokee, and her residence in the Territory having been fully established, she will be listed for enrollment by this commission as a Cherokee by blood and placed upon a regular Cherokee card.

The license not being in condition to be filed, and being in due form, it is returned herewith.

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 9th day of Oct. 1900.

C. R. Mc[illegible] Commissioner.

"g"

D 560

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Mattie E. Keys, for the enrollment of herself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter on February 12, 1902, that her application to be enrolled as a citizen of the Cherokee Nation, would be taken up by the Commission for final consideration, at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902; and that she could on said day appear, either in person or by attorney, and introduce any further testimony affecting her application.

Receipt has been acknowledged of the Commission's letter.

The case has this day, to-wit: the 1st day of March, 1902, been called three times, and the applicant failing to respond either in person or by attorney, it is directed that the case be closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

IN THE MATTER OF THE APPLICATION OF

Mattie E. Keys

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

IN THE MATTER OF THE APPLICATION OF

Mattie E. Keys

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/9/00.
B. Memo of application of 10/9/00.
C. Certified copy of record divorce case -
D. Notice of final consideration, 3/1/02

Copy

See Cherokee Docket 74256

OCT 25 1907

Cher D 551

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T. Oct. 9th 1900.

In the matter of the application of Henry Hayes for the enrollment of his wife's sister IDA B. FAGAN as a Cherokee Citizen. HENRY HAYES being duly sworn by Commissioner Breckinridge testified as follows:

Q. What is your name? A. Henry Hayes.
Q. How old are you? A. 42.
Q. What is your post office? A. Oologah, I. T.
Q. What is your district? A. Coowescoowee.
Q. Who is it that you want to have enrolled now? A. Ida B. Fagan.
Q. How old is she? A. 17.
Q. You say she is a sister of your wife? A. Yes sir.
Q. Does she live with your family? A. Yes sir what time she is not working out.
Q. Is she a Cherokee by blood? A. Yes sir.
Q. Was she born in the Cherokee Nation? A. Yes sir.
Q. And lived here all her life? A. Yes sir.
Q. What was her mothers name? A. Malinda Fagan.
Q. Give me her fathers name? A. James Fagan.
Q. Is her mother living? A. No sir.
Q. Is her father living? A. No sir.
Q. This girls mother was admitted to citizenship in 1883 by the Cherokee Commission was'nt she? A. Yes sir I think so.
1896 Roll, page 1043, No. 44, Ida B. Fagan, Orphan Roll, Saline Dist.

The applicant applies for the enrollment of a minor, the sister of his wife; she is an orphan. She is identified on the roll of 1896 and it is stated that her mother was admitted to citizenship by the Cherokee Commission in 1883. The application for the enrollment of this minor, Ida B. Fagan, will at this time be placed upon a doubtful card to await evidence of her mothers admission in 1883.

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

Chas von Weise

Subscribed and sworn to before me this the 9 day of October, 1900.

C. H. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 3 1901
ACTING CHAIRMAN

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

In the matter of the application of Ida B. Fagin, Cherokee Freedman and Jud. APPLICATION. ENROLLMENT.

WHERE EATES being first duly sworn by Comm'r T. B. Needles, testifies as follows: ( on the part of the applicant )

Q Do you know Ida B. Fagin? A Yes sir.
Q What relation is she to your wife? A Sister.
Q Has she always lived in the Cherokee Nation? A Yes sir.
Q The certificate which you presented in your case, for the admission of Malinda Fagin, it shows the mother of Ida B. Fagin? A Yes sir.
Q Is Ida B. Fagin living at this time? A Yes sir.
Q You also know and believe in the Cherokee Nation? A Yes sir.

By Comm'r Needles:

Ida B. Fagin applied for the enrollment of herself on the 8th of October, 1900 and her name was then placed on a doubtful card awaiting proof of the admission of her mother Malinda Fagin, and the evidence that accompanies is presented by, and filed in the application of Henry Hayes, for the enrollment of his wife, Malinda Hayes, the said Malinda B. being a sister of the said Ida B. Fagin. The evidence so presented is filed in Cherokee Doubtful card 2683 and is deemed satisfactory as to the citizenship of the said Ida B. Fagin.

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

Chas. Van Wales

Subscribed and sworn to before me this the 31st of October, 1901.

[illegible]
Commissioner.

Cherokee D. 551

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ida B. Fagan for enrollment as a Cherokee citizen.

On the ninth day of October, 1900, Henry Hayes appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his wife's sister, Ida B. Fagan, as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Ida B. Fagan was placed upon a "Doubtful" card awaiting proof of admission to citizenship in the Cherokee Nation of Malinda Fagan, the mother of said Ida B.

Further evidence has been submitted to the Commission and the following decision is rendered.

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DECISION.

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From all the evidence of record in this case it appears that Ida B. Fagan is theseventeen year old daughter of Malinda Fagan, who was admitted to citizenship in the Cherokee Nation by a Cherokee Commission on Citizenship on the 28th day of September, 1883. Ida B. Fagan has lived in the Cherokee Nation all her life and is identified on the Cherokee Census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495);

" That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who

were heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, were then lawfully admitted to citizenship by the proper authorities, and who were minors when their parents were so admitted; and they shall investigate the rights of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Ida B. Fagan is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

T. R. Freeman

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

Cherokee D 551

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, February 21, 1908.

In the matter of the application of Ida B. Fagan for enrollment as a Cherokee citizen.

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There was filed with this Commission on the 8th day of November, 1901, a copy of the proceedings of the Cherokee Commission on Citizenship in the case of Malinda Fagan et.al. against the Cherokee Nation, from which it appears that Malinda Fagan and others were admitted to the full and complete enjoyment of all the rights and privileges of Cherokee citizenship within the Cherokee Nation on the 28th day of September, 1883. The copy is certified by B.W. Alberty, Assistant Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation to be a true copy of the records of the Citizenship Commission of the Cherokee Nation filed in the office of the Executive Secretary of the Cherokee Nation and in the custody of that official.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AINSWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D-551.

Muskogee, Indian Territory, May 21, 1908.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1908, in the matter of the application of Ida B. Fagan for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-551.

IN THE MATTER OF THE APPLICATION OF

Ida B. Fagan

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/9/00.

B. Memo of application of 10/9/00

C. Supplementary testimony 10/20/11

Transferred to Original roll, in accordance with decision of Commission

See Cherokee Jacket 19562

Enrolled

Cher D 552

Muskogee, I.T.,
October 1, 1900.

Hon. Thos. B. Cadmus,
Acting Commissioner to the Five Civilized Tribes,
Muskogee, I.T.

Dear Sir:

Inclosed herewith I hand you a copy of a letter addressed to me by Mr. Thos. Hayes, President of the Choctaw Nation, in which he requests that the Commission to the Five Civilized Tribes be requested to detail a competent person to make a thorough investigation of the alleged murder of Mr. Jno. Jones, a citizen of the Choctaw Nation, who was killed in the Choctaw Nation on the night of the 24th ult. by a party of men who are supposed to be Creek Indians.

Mr. Hayes's request is that the Commission be requested to detail a competent person to make a thorough investigation of the matter, and if it is a matter of jurisdiction of the Choctaw Nation, to arrest the parties who may be found guilty of the crime and deliver them to the Choctaw Nation for trial.

Mr. Hayes's request is that the Commission be requested to detail a competent person to make a thorough investigation of the matter, and if it is a matter of jurisdiction of the Choctaw Nation, to arrest the parties who may be found guilty of the crime and deliver them to the Choctaw Nation for trial.

Respectfully,

Gowan Wright.

Dispatched and a copy of letter to be given to Mr. Hayes.

Oct. 1, 1900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T. October 9th 1900.

In the matter of the application of Henry Hayes for the enrollment of himself, wife and two children as Cherokee Citizens. He being duly sworn by Commissioner Breckinridge testified as follows:

Q. How old are you? A. 42.
Q. What is your post office? A. Ochelata, I. T.
Q. What is your district? A. Cooweescoowee.
Q. Who is it that you want put on the roll? A. Myself, wife and 2 children.
Q. Do you apply as a Cherokee by blood? A. No sir.
Q. Is your wife a Cherokee ? A. Yes sir.
Q. Let me see your marriage license and certificate please.
The applicant produces a marriage license issued by the Clerk of Cooweescoowee District on October 29th 1895 authorizing his marriage to Miss Emma Fagan. The certificate shows that they were married by the Rev. S. Dobson on the 30th day of the same month and year. This is filed herewith.
Q. Have you lived with your wife, and in the Cherokee Nation ever since you married her in October 1895? A. Yes sir.
Q. How old is your wife? A. 19.
Q. You were never married except to her? A. I married a white woman in the States before I came to the Cherokee Nation.
Q. Is she dead? A. Yes sir.
Q. When did she die? A. She had been dead eight years when I married this wife.
Q You have never been married except these two times? A. No sir.
Q. Has your wife ever been married except to you? A. No sir.
Q. Was your wife born in the Cherokee Nation? A. Yes sir.
Q. Has she lived her all her life ? A. Yes sir.
Q. Give me the name of her father? A. James Fagan.
Q. Is he dead or alive? A. Dead
Q. Hoe long since he died? A. 7 or 8 years I think.
Q. Give me the name of her mother. A. Malinda Fagan.
Q. Is she dead? A. Yes sir.
Q. How long has she been dead? A. 8 or 9 years
Q. Give me the names of your children. A. Dewey.
Q. How old is that child? A. 2 years.
Q. Next child. A. Minnie
Q. How old is she? A. 6 months.
Q. Have you made out a certificate of their birth? A. No sir.
Q. Are these their full names? A. Yes sir.
Q. Was your wife admitted to, citizenship by the Cherokee Commission? A. Yes sir.
Q. Have you a certificate of her admission? A. No sir.
1896 Roll, page 184, No. 2440, Malinda E, Hayes, Cooweescoowee.
1896 " " 306 " 467, Hayes Henry, Cooweescoowee.
Q. Do you want your wife enrolled as Malinda Emma Hayes? A. Yes sir.
The applicant applies for the enrollment of himself, wife and two children. His wife is identified on the roll of 1896 as a native Cherokee; she is said to have been admitted to Cherokee citizenship through her mother Malinda Fagin in 1883, but applicant is not able to produce a certificate of her admission at this time. She is said to have lived in the Cherokee Nation all her life. She will now be listed for enrollment on a doubtful card until such time as the applicant can supply the Commission with a certificate of admission of his wife or his wife's mother to citizenship in 1883.
The applicant is identified on the roll of 1896 with his wife, and he has shown by a marriage license, filed herewith, that he was married to her in accordance with the laws of the Cherokee Nation on the 29th of October 1895; that they have lived together and in the Cherokee Nation ever since that time and he will be listed now for on a doubtful card for enrollment as a Cherokee by inter-marriage to await further evidence of his wife's admission in 1883.

A. [illegible]

Q. [illegible] is supplied with a sufficient [illegible] they also will be [illegible] to [illegible] of [illegible]

[illegible] being duly sworn [illegible] as stenographer to the [illegible] reported in full all the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings.

Subscribed and sworn to before me this the 9 day of October, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 8 1901
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, [illegible] 1901.

In the matter of the application of Henry Hayes, Cherokee Doubtful case 7222. [illegible] [illegible].

Appearances:
W. W. Hastings for the Cherokee Nation.
Applicant present in person.

HENRY HAYES being first duly sworn by Com'r T. B. Maddox, testified as follows on his own behalf.

Q What is your name? A Henry Hayes.
Q Are you the Henry Hayes who applied for yourself and wife and children? A Yes sir.
Q You now desire to present this certificate? A Yes sir.

The applicant presents a certificate issued by the Commission on Citizenship at Tahlequah September 16th 1889, certifying that Swing Ethery and Malinda Fagin was duly admitted to Cherokee citizenship on said date; signed by Thomas Pelose, Alex Wolf and T. F. Thompson, Commissioner. The correctness of the same being attested to by E. F. Alberty assistant Executive Secretary of the Cherokee Nation under the seal of the Nation.

Q Is the Malinda Fagin mentioned in this certificate your wife's mother? A Yes sir.
Q Is Malinda Fagin living now? A No sir, she has been dead a good while.
( By Hastings )
Q Your wife was 19 years of age when this application was made—this one here? A Yes sir.
Q Do you claim that your wife was born after this certificate was given to her mother? A They applied for it in '90 but they didn't get this certificate here until in '93.
Q Where did you marry your wife? A Clarensco.
Q How long had you known her when you married her? A Not very long
Q Do you know where she had been living before that? A At the Orphan school on Grand river.

Henry Hayes applied for himself, wife and two children on October 9th 1900, and his name and that of his wife and child were placed on a doubtful card awaiting proof of citizenship of his wife which is today filed herewith.

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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.

Subscribed and sworn to before me this the 31st of October, 1901.

Commissioner.

[illegible]

[illegible], 1. T., March 3, 1907.

In the matter of the application of Henry Jones et al. to [illegible] [illegible] as [illegible] the Choctaw Nation.

—o—

[illegible] Brief memorial statement.

There were filed with this Commission on the [illegible] day of November, 1906, affidavits of birth and [illegible] of [illegible] Sunday, 1906, from which it appears that [illegible] Hayes, [illegible] R. and [illegible] on the 14th day of [illegible], [illegible] Hayes was born [illegible] on the 13th day of [illegible]. The affidavits further show that the said children [illegible] living at the [illegible] of the [illegible] [illegible] approved [illegible].

It is therefore [illegible] the enrollment be made [illegible] the testimony in the [illegible] case.

[illegible]

Cherokee D-552.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

In the matter of the application of Henry Hayes et al. for enrollment as citizens of the Cherokee Nation.

—o—

Supplemental Statement.

There were filed with this Commission on the 29th day of November, 1900, affidavits of birth duly executed on the 13th day of October, 1900, from which it appears that Dewey Hayes was born to Malinda E. and Henry Hayes on the 15th day of August, 1898, and that Minnie Hayes was born to said parties on the 13th day of May, 1900. The affidavits further show that the said children were both living at the date of the execution of the same. They have been approved and filed by this Commission.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Hayes for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Malinda E. Hayes and his minor children Dewey and Minnie Hayes as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 9,1900, Henry Hayes appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Malinda E. Hayes and his minor children Dewey and Minnie Hayes as citizens by blood of the Cherokee Nation.

On October 22, 1901, the applicant again appeared before the Commission at Vinita, Indian Territory, and submitted further evidence in the matter of this application. The evidence in this case shows that the principal applicant Henry Hayes was lawfully married in accordance with the Cherokee tribal laws on October 30, 1898 to Emma Fagan, the daughter of Malinda Fagan, who was admitted to citizenship in the Cherokee Nation on September 12, 1896. Emma Fagan, identified as Malinda E. Hayes, was born since her mother's admission to citizenship. She and her husband, the applicant, are both identified on the Cherokee Census roll of 1896. Their children Dewey and Minnie are too young to be upon any tribal roll, but they are identified as the off-spring of the aforesaid marriage and as having been living at the date of this application.

The authority of the Commission herein is defined in Paragraph 1, Section 21 of the Act of Congress June 28,1898 (30 Stats.,495).

-2-

It is therefore the opinion of this Commission that Henry Hayes is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee tribe of Indians in Indian Territory; that Malinda E. Hayes, Dewey Hayes and Minnie Hayes are lawfully entitled to be enrolled as members by blood of the Cherokee tribe of Indians in Indian Territory, and that the application for their enrollment should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] Commissioner.

[illegible] Commissioner.

[illegible] Commissioner.

Dated at Muskogee, Indian Territory,
this MAY 29 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D- 552.

Muskogee, Indian Territory, May 21, 1902.

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

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Henry Hayes et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-552.

IN THE MATTER OF THE APPLICATION OF

Henry Hayes et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A. Original testimony of 10/9/00
B. Memo of application of 10/9/00.
C. Marriage license and certificate
D. Birth certificate, Dewey Hayes,
E. Birth certificate, Minnie Hayes,
F. Supplementary testimony Oct 20 1901
G. Certified copy of commission on Enrollment
H.
I.
J.

Sept 16, 1902 Cancelled and transferred to Cherokee No. 9590

See Cherokee Jacket 1878-1

Enrolled

Cher D 553

TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
BARTLESVILLE, I.T., OCTOBER 9th, 1900.

In the matter of the application of George Washington Patrick for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Patrick being sworn by Commissioner C. R. Breckinridge, and examined by the Commission, testified as follows:

Q What is your name? A George Washington Patrick.
Q What is your age? A 51.
Q What is your post office address? A Wann.
Q Indian Territory? A Yes, sir.
Q You a resident of the Indian Territory? Yes, sir.
Q How long have you lived here? A All my life.
Q In the Cherokee Nation? A Yes, sir.
Q You been outside the Indian Territory in the past three years?
A No, sir.
Q You are making application as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q What is your father's name? A Joshua.
Q Your father living? A No, sir.
Q Is he a Cherokee citizen? A No, sir, only by adoption.
Q He was a white man? A Yes, sir.
Q What is your mother's name? A Eliza.
Q Is she living? A Yes, sir.
Q What district in the Cherokee Nation does she belong? A She is now in Tahlequah district. Down there and then up here with us.
Q You are making application for anyone besides yourself? A My-self and family.
Q Making application for your wife? A Yes, sir.
Q What is her name? A Nancy.
Q How much Cherokee blood do you claim? A I do not know, my mother is said to be a quarter.
Q You would be an eighth? A Y es, sir.
Q Your wife, Nancy Patrick, a Cherokee by blood? A No, sir.
Q White woman? A Yes, sir.
Q What is her father's name? A James Jenkins.
Q Is he living? A Yes, sir.
Q What is your wife's mother's name? A I could not tell you.
Q Her name was Jenkins? A Yes, sir.
Q Is she living? A No, I do not think she is.
Q How old did you say your wife was? A 33 years old.
Q When did you marry her? A In 1889.
Q Where? A Braggs, in Illinois district.
Q Married to her in accordance with the laws of the Cherokee Nation?
A Yes, sir.
Q Have you any evidence of that marriage? A Not with me.
Q You state you were married in accordance with the laws of the Cherokee Nation? A Yes, sir, in 1889.
Q By whom were you married? A By Parson Shanks.
Q You have no evidence of that marriage at all? A None only my brother is her.
Q He was present at the marriage? A I aint certain whether he was there or not.
Q What are the names and ages of your children under 21 years of age and unmarried for whom you desire to make application? A John Patrick, he is 20/
Q The next one? A Ida, 17; Alis, 14; Rachel 9.
Q All right, sir? A Eliza.
Q How old is Eliza? A Seven, Lucy four and I have a little one.
Q This is Fannie, is it? A Yes, sir.
About eight months old.
Q You are the father of these seven children for whom you make application? A Yes, sir.

Q Nancy Patrick the mother? A No, sir, not all of them.
Q Who is the mother of the children? A Polina is the mother of John.
Q Is Nancy the mother of the others? A No, sir.
Q Is Polina dead? A Yes, sir.
Q Who is the mother of Ida? A Her name is Nancy too.
Q Who is the mother of Alic? A He is the same, Ida and Alic is the same.
Q Who is the mother of these other children, your present wife? A Yes, sir.
Q These children all living with you at your home? A Yes, sir.
Q Always lived with you? A Yes, sir.
Q The mother of John Patrick, your wife first, Polina, was she a Cherokee or white woman? A A The first two are Cherokee women.
Q When did Polina Patrick die? A She died in 1880.
Q What was her maiden name? A Keys.
Q What was your second wife's maiden name? A Langley.
Q Nancy Langley? A Yes, sir.
Q Is she dead? A Yes, sir.
Q Was she Cherokee? A Yes, sir.
Q When did she die? A She died in 1886.

MIKE PATRICK, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Mike Patrick.
Q You a brother of George Washington Patrick? A Yes, sir.
Q How old are you? A 38.
Q You a citizen of the Cherokee Nation? A Yes, sir.
Q You knew anything of the marriage of your brother, George Washington Patrick, to his present wife, Nancy? A Yes, sir.
Q Where were they married? A Married South of Bethany School house.
Q When? A I do not know just how long it has been sevefal years age.
Q About how long? A Eight or ten years ago.
Q Were you present at the marriage? A I do not recollect whether I was ot not, I could not say whether I was or not.
Q You do not they were married? A I could not say that they were married; they have been living together ever since they were said to be married. They have been living together as man and wife ever since I guess they were married.
Q You have always understood and believed that they were married, and lived together as man and wife? A Yes, sir, I have lived right there by themall the time and know nothing else.

CHARLES W. COSTEN, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Charles W. Costen.
Q What is your age? A I am 34 years old.
Q You a citizen of the Cherokee Nation? A Yes, sir.
Q You know George Washington Patrick, the man who isnow making application? A Yes, sir.
Q How long have you known him? A I have known him about seven years
Q You knew his wife? A Yes, sir, the woman he lives with now.
Q They are living together as man and wife? A Yes, sir.
Q Do you know anything about their marriage? A I suppose that they was married according to Cherokee law.
Q You have only known them seven years, you say? A That is all.
Q They were married and living together as man and wife when you knew them? A Yes, sir.
Q Then you knew nothing about their marriage? A No, sir, they told me that they were married according to Cherokees laws.

George Washington Patrick---3.

1880 enrollment; page 566, #1388, Washington Patrick, Illinois.
1880 enrollment; page 566, #1391, John Patrick, Illinois.
1880 enrollment; page 566, #1389, Polina Patrick, Illinois.
COMMISSION: Polina Patrick, first wife of the applicant is dead.
Q That second wife here named Nancy Langley? A Yes, sir.
Q Was her name on the 1880 roll? A Yes, sir.
Q As Langley? A Yes, I guess it is.
1896 enrollment; page 232, #3771, Washington Patrick, Cooweescoowee.
1896 enrollment; page 319, #801, Nancy Patrick, Cooweescoowee.
1896 enrollment; page 232, #3772, John Patrick, "
1896 enrollment; page 232, #3773, Ida Patrick "
1896 enrollment; page 232, #3774, Alex. Patrick, "
1896 enrollment; page 232, #3775, Rachel Patrick, "
1896 enrollment; page 232, #3776, Eliza Patrick, "
1896 enrollment; page 232, #3777, Lucy Patrick, "

COMMISSION: The name of the application, George Washington Patrick, is found on the 1880 and 1896 rolls of the citizens of the Cherokee Nation, as a Cherokee by blood. He is identified as the same party and will be listed for enrollment by this Commission. The name of his wife, Nancy Patrick, is found upon the 1896 rolls of the Cherokee Nation, as an intermarried white. The name of his son, John, is found upon the 1880 and 1896 rolls of the Cherokee Nation as a Cherokee by blood, and the names of his children, Ida, Alic, Rachel, Eliza and Lucy, are found upon the 1896 rolls of the Cherokee Nation. The mother of his first child, John Patrick, is identified on the 1880 roll of the Cherokee Nation, as Polina Patrick, and she is now dead. The mother of Ida, and Alic Patrick, is identified on the 1880 Cherokee roll, as Nancy Langley, a Cherokee by blood, and she is now dead. There is also offered an affidavit of birth of Fanny Patrick. The Commission will list for enrollment as citizens by blood of the Cherokee Nation, George Washington Patrick and his three minor children, John, Ida and Alic Patrick, they being children of Cherokee women by blood duly identified upon the 1880 Cherokee roll. His wife Nancy Patrick and his remaining four minor children, Eliza, Lucy and Fanny, will be placed upon a doubtful card, pending the exhibition of sufficient proof of the marriage of the applicant and his present wife.

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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 andproceedings 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 10th day of October, 1900.

C. H. Breece
Commissioner.

"STRAIGHT # 4 2 6 3 .
"D" # 5 5 3 .

# S U P P L E M E N T A L - T E S T I M O N Y .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBUARY 16th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF NANCY PATRICK ET AL AS CITIZENS OF THE CHEROKEE NATION.
GEORGE W. PATRICK, BEING SWORN AND EXAMINED BY COMMISSIONER, C. R. BRECKINRIDGE, TESTIFIED AS FOLLOWS:

Q Give me your full name? A George Washington Patrick.
Q How old are you? A Fifty one.
Q What is your Postoffice? A Wann.
Q In what district do you live? A Coowescoowee.
Q You applied for enrollment at Bartlesville, did you not?
A Yes, sir.
Q You wanted to enroll yourself, wife and children? A Yes, sir.
Q You and your three older children were put on a straight card?
A Yes, sir.
Q And your wife and the four younger children on a doubtful card?
A Yes, sir.

Straight Card #4263.
Doubtful Card # 553.

Q Are you a Cherokee by blood Mr. Patrick? A Yes, sir.
Q You have been married three times, have you not? A Yes, sir.
Q Give me the name of your first wife? A Peline.
Q Was she your wife in 1880? A Yes, sir.

Authenticated Roll of 1880 of citizens of the Cherokee Nation examined and the name of ~~the~~ Peline Patrick appears thereon as follows:

Page 566, #1339, Peline Patrick, Illinois District.

George Washington Patrick identified on the Authenticated Roll of 1880 as follows:

Page 566, #1338, Washington Patrick, Illinois District.

Q When did your wife Peline die? A May following '80.
Q Died in May 1881? A May 1880.
Q Died the year the roll was made? A Yes, sir.
Q And then when did you marry your second wife? A In '83.
Q And her name was at that time Nancy Langley? A Nancy Langley.
Q She's dead, is she? A Yes, sir.
Q Was she a Cherokee by blood? A Yes, sir; at least she was always counted that.
Q How long after your marriage did she die? A She died in '87.
Q You and she lived together until she died, did you? A Yes, sir.
Q What was her maiden name; Langley? A Yes, sir.
Q She had never been married when you married her? A No, sir.
Q Give me the name of her father? A I can not tell you.
Q Do you remember the name of her mother? A No, sir; she was raised an orphan.
Q How old was your wife Nancy Langley when she died? A I don't know as I can tell you.
Q Well, as near as you can tell? A About twenty six or seven; twenty five any way.

1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of Nancy Langley found thereon as follows:

Page 550, #1072, Nancy Langley, Illinois District.

Q In what district did your wife Nancy Langley live in 1880?
A In Illinois.

Q How after the death of this second wife, Nancy Langley, you married a third time? A Yes, sir.
Q Whom did you marry then? A Nancy Jenkins.
Q When didyou marry Nancy Jenkins? A In '89.
Q Is she living now? A Yes, sir.
Q She's a white woman, is she? A Yes, sir.
Q You have been married to only these three women? A Yes, sir.
Q Was Nancy Jenkins ever married except to you? A Not as I know of; no, sir.
Q How old is Nancy Jenkins now? A She's about thirty six I guess. Between thirty six and 'seven; somewhere along there.
Q Do you think she is that old? A I think that is it; I would not be sure.
Q Your former testimony indicated that she was about thirty three?
A Well she's somewhere along there.
Q How long did you know your present wife before you married her?
A About a year; something about a year.
Q She was known as Miss Nancy Jenkins, was she? A Yes, sir.
Q How long had her people lived in the Cherokee Nation, do you know? A I don't know how long they had lived in the Cherokee Nation; two, three or four years.
Q You never heard of her being married before you married her?
A No, sir.
Q Have you andshe lived together ever since you were married?
A Yes, sir.
Q And you are living with her now? A Yes, sir.
Q She is not here with you at this time? A No, sir.
Q Have you any certificate of marriage to your second wife, Nancy Langley? A No, sir.
Q Can you prove that marriage by personal testimony; is there any one here who knows that you and Nancy Langley lived together as husband and wife? A This lady here - indicating - knows.

MARY MCCRACKEN, being sworn and examined by Commissioner, C. D. Brookinridge, testified as follows:

Q Give your full name? A Mary McCracken.
Q How old are you? A Thirty two.
Q What is your Postoffice? A Braggs.
Q In what district do you live? A Illinois.
Q How long have you lived in the Cherokee Nation? A I was raised here.
Q Lived there all your life? A Yes, sir.
Q Do you know this gentleman here, Mr. Patrick? A Yes, sir.
Q Is he kin to you? A Yes, sir.
Q What kin? A I don't know;just a little distant kin.
Q How long have you known him? A All my life.
Q How many times has he been married? A Three times.
Q What was the name of his first wife? A Poline Keys.
Q Poline Keys that was? A Yes, sir.
Q When didshe die? A I don't know the dates; I was small then.
Q Give me the name of his second wife? A Nancy Langley.
Q Nancy Langley that was? A Yes, sir.
Q Did his first wife die before he married his second wife?
A Yes, sir.
Q About how long after the death of his first wife before he married his second wife, Nancy Langley? A I can not say.
Q You don't remember how long his first wife had been dead before he married his second wife? A No, sir.
Q Have you any impression about it? A No, sir; I had never thought anything about it; they were living quite a ways from us.
Q Were you present when he and Nancy Langley were married?
A Yes,sir.

Q You saw them married? A Yes, sir.
Q Who married them? A Methodist preacher named Shanks.
Q Have you any recollection that he waited a good while after his first wife's death, or that he married pretty soon after her death?
A I haven't; I was only a child and did not pay any attention to such things then, and being not living in the same community, I did not think very much about it.
Q Did he live with his wife, Nancy Langley until she died?
A Yes, sir.
Q Did you know Nancy Langley beforehand? she married Mr. Patrick?
A Yes, sir.
Q How long had you known her? A As long as I can remember.
Q You knew her some years before she married him? A Yes, sir.
Q Was she ever married before she married him? A No, sir.
Q Well, after the death of his wife, Nancy Langley, he married again? A Yes, sir.
Q Give me the name of his third wife? A Nancy Jenkins.
Q He is married to her now, is he not? A Yes, sir.
Q About how long after the death of his second wife was it before he married his present wife? A A couple of years.
Q Do you know about when his second wife died? A Yes, sir.
Q About when was it? A No, I don't know about what date it was; I can not say.

GEORGE WASHINGTON PATRICK RECALLED:
Q Mr. Patrick, have you a certificate of marriage to your present wife? A No, sir.
Q Did you get a certificate of marriage? A No, sir.
Q Who married you? A Shanks, a Methodist circuit rider.
Q Parson Shanks? A Yes, sir.
Q What was his full name, do you know?
A I think his initials H. B. Shanks.

NANCY MOURACHER RECALLED:
Q Now Madam, did you see Mr. Patrick and his present wife when they were married? A Yes, sir.
Q Where were they married? A At Bethel School House in Illinois District.
Q Did you see the preacher who married them? A Yes, sir.
Q Were they married by parson Shanks? A Yes, sir.
Q Married about two years after the death of his second wife?
A Yes, sir.
Q And have he and his wife, Nancy Jenkins lived together ever since they were married? A Yes, sir; they have.
Q Did you know her before she married Mr. Patrick?
A Slightly; I had met her several times.
Q Did you ever hear of her being married before she and Mr. Patrick were married? A No, sir.
Q You do not believe she was ever married before? A No, sir.

APPLICANT, GEORGE WASHINGTON PATRICK, RECALLED:
Q Have you ever filed a birth certificate of your youngest child, Jennie? A Yes, sir.
Q When did you file it? A When I made my application.
A You did? A Yes, sir.

Com'r. C. N. Breckinridge: This testimony relates particularly to the enrollment of the applicant's present wife, Nancy (Jenkins) Patrick and her four children enumerated on Card #[illegible] and to some extent to the enrollment of two of the three children of this woman's husband, George W. Patrick who are enrolled with him on Straight Card #4263. These two children on the later card who are enumerated are Ida and Alec; the third child with him on this card is the child of his the first wife of George W. Patrick, and is identified with

---4---

him and the deceased mother of the child on the roll of 1880. The name of the child was identified as John Patrick.

It is shown in a satisfactory manner by the testimony just taken that after the death of George W. Patrick's first wife, Polina Keys, who has been identified with him as his wife on the roll of 1880, he married one Nancy Langley in say 1883; they lived together as husband and wife until say 1887; this Nancy Langley is identified on the roll of 1896 as a native Cherokee; she died in 1887. The marriage between her and George W. Patrick being established now in a satisfactory manner it leaves no doubt as to the right of enrollment of the two children of that marriage, Ida and Alice, who have just been referred to as being on Card #4263.

Now, after the death of this second wife, Nancy Langley, George W. Patrick married the third time, to one Nancy Jenkins; he avers that he was never married except to the three women whose names are here given; and that his last wife, Nancy Jenkins, with whom he is still living and to whom he was married in say 1888 was never married before, both of his previous wives being dead at the time of this marriage, this being established by satisfactory testimony in addition to that of George W. Patrick himself; and this woman being identified as his wife on the roll of 1896, no doubt is entertained of the right of the children of this marriage, whose names are on Card "D" #553 to be enrolled as Cherokees by blood. These children, five in number, are Nancy, Rachel, Eliza, Lucy and Fannie Patrick.

This testimony should complete what is necessary to secure the enrollment of George W. Patrick and all of the children enumerated as Cherokees by blood and his present wife, Nancy Patrick as a Cherokee by adoption.

Copies of this testimony will be placed with both of the cases referred to.

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

R R [illegible]

Subscribed and sworn to before me this 18th day of February, A. D., 1901.

[illegible]

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 12 1902

CHAIRMAN.

"R"

Cherokee D 553

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Nancy Patrick for the enrollment of herself and children as Cherokee citizens.

Appearances:
Applicant by her husband, George W. Patrick, and her agent, Jo. R. Sequichie, Chelsea, I . T.;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideratin by the Commission at its offices at Muskogee, Indian Territory on the first day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit; the first day of March,1902, appears by her husband, George W. Patrick, and her agent, J.R.Sequichie.

BY COMMISSIONOF AGENT SEQUICHIE: Any statement you desire to make relative to this case? A Nothing only the requirement as to the notice by registered letter states that he is required to supply a certificate of marriage to Nancy Jenkins, and same has been supplied to the Commission and receipted therefor.

BY THE COMMISSION: Upon an examination of the records the fact is disclosed that the certificate of marriage has not been filed, neither has it been receipted for.

BY AGENT SEQUICHIE: I withdraw that statement.

BY COMMISSION OF AGENT SEQUICHIE: Do you submit the case?

AGENT SEQUICHIE: Yes sir.

BY COMMISSION: The agent for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

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

M D Green

Subscribed and sworn to before me this March1,1902.

Commissioner.

Cherokee D-583.

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

In the matter of the application for the enrollment of Nancy Patrick as a citizen by intermarriage, and for the enrollment of her minor daughters, Rachel, Eliza, Lucy and Fannie Patrick, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 8, 1900, George Washington Patrick appeared before the Commission at Bartlesville, and made personal application for the enrollment, among others, of his wife, Nancy Patrick, as a citizen by intermarriage, and of his children, Rachel, Eliza, Lucy and Fannie Patrick, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 16, 1901, and on October 14, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Nancy Patrick was lawfully married in 1889 to George Washington Patrick, a citizen by blood of the Cherokee Nation. As a result of that marriage the minor children, applicants in this case, were born. All of the applicants are identified on the Cherokee census roll of 1896, with the exception of Fannie Patrick, who is identified by a certificate of birth made a part of the record herein.

Nancy Patrick has resided in the Cherokee Nation with her said husband continuously from the date of her marriage to him, up to and including September 1, 1902. It is considered that the minor children, applicants herein, have resided in the Cherokee Nation continuously since their birth.

It is, therefore, the opinion of this Commission that Nancy Patrick should be enrolled as a citizen by intermarriage, and that Rachel Patrick, Eliza Patrick, Lucy Patrick and Fannie Patrick, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

Bog.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 853.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of George Washington Patrick for the enrollment of his wife, Nancy Patrick, as a citizen by intermarriage, and for the enrollment of his four minor children, Rachel, Eliza, Lucy and Fannie Patrick, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enclosure H. No. 417.

IN THE MATTER OF THE APPLICATION OF

Nancy Patrick Ind

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A. Original testimony of 10/9/00
B. Memo. of Application
C. Supplementary Testimony 2/16/01.
D. Birth certificate of Annie Patrick.
E. Notice of final consideration, 3/1/02
F. Order closing testimony 3/1/02

See Cherokee Docket, 42

Cher D 554

Department of the Interior.
Commission to the Five Civilized Tribes.
Bartlesville, I. T., October 9, 1900.

In the matter of the application of Dady Tucker for the enrollment of herself and six children as Cherokee citizens; she being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dady Tucker.
Q How old are you? A I'm 32.
Q What is your postoffice? A Ramona.
Q What is your District? A Cooweescoowee.
Q Who is it you want to put on the roll? A Myself and six children.
Q Husband? A No sir, no husband.
Q Are you a Cherokee by blood? A No sir, my husband was a Cherokee by blood.
Q You are a white woman--intermarried? A Yes sir.
Q When were you married to your husband? A I was married t him about 17 years ago.
Q Have you a certificate of your marriage? A Yes sr.
By the Commissioner-
The applicant presents an official copy of the record of Montague County, Texas, showing that license was issued by the County Clerk, April 7, 1884, for marriage between herself and her husband, she being at that time Data Huff and her husband's name being given as Daniel Tucker. The certificate shows that they were united in marriage by John Rowan, Justice of the Peace, on the 17th day of the same month and year. These documents are of record within the County states and this official evidence is filed herewith.
Q Is your husband dead? A Yes sir.
Q He was a Cherokee, was he? A Yes sir.
Q How long has he been dead? A Four years this last April.
Q Did you and he live together as husband and wife from the time of your marriage until he died? A Yes sir.
Q Did he live all the time in the Cherokee Nation? A No sir, he was readmitted back here in '87.
Q Have you a certificate of his admission? ANo sir, Mr. Johnson, he can tell you about it.
Q Have you lived in the Cherokee Nation ever since your husband was admitted in September, '87? A Yes sir.
Q Did he live here continuously from the time of his admission until his death? A Yes sir.
Q You have not remarried since his death? A No sir.
Q Give me the names please of your children? A Thomas T. Tucker.
Q How old? A 16 years.
Q Next child? A Walter W. Tucker.
Q How old is he? A 14.
Q Next child? A Nellie Tucker.
Q How old is she? A 11.
Q Next child? A Hilliard Monroe Tucker.
Q How old? A 8.
Q Next child? A Viola.
Q How old is she? A 7.
Q Next child? A Esther.
Q How old? A She's 5.
Q Next child? A That's all.

1896 roll; page 336, #1006, Dady Tucker, Cooweesc owee.
1896 roll; page 270, #4851, Thomas T. Tucker, Cooweescoowee.
1896 roll; page 270, #4852, Wesley Tucker,
1896 roll; page 270, #4853, Nellie Tucker,
1896 roll; page 270, #4854, Monroe Tucker,
1896 roll; page 270, #4855, Viola "
1896 roll, page 270, #4856, Esther "

WITNESS SWORN: William Johnson, being sworn and examined by Commissioner Breckinridge, testified as follows:

2- D. T.

Q Give me your name? A William Johnson.
Q What is your postoffice? A Bartlesville.
Q What is your age? A 40.
Q How long have you lived in the Cherokee Nation? A 24 years.
Q Do you know this lady here, Mrs. Tucker? A Yes sir.
Q Did you know her husband, Daniel Tucker? A Yes sir.
Q Was he always called Daniel Tucker? did he have another name?
A He was called Dan, but signed his name E. A. J. Tucker.
Q His rightful name was E. A. J. Tucker, but this Daniel Tucker, are really one of the same person? A Yes sir.

re-direct.

Commissioner-

The applicant applies for the enrollment of herself and six children. She states that her husband was admitted to citizenship by the Cherokee Commission in September, 1887; that she and her husband lived in the Cherokee Nation from the time of his admission until his death, some four years ago; that she has continued to live in the Cherokee Nation since his death and that she has not remarried. She states that she is a white woman and her husband a Cherokee; and she has filed herewith official evidence of her marriage to her husband in the State of Texas in 1884. She states that they have lived together as husband and wife from the time of their marriage until his death. She is identified on the roll of 1896. She is desirous to supply the Commission with official evidence of her husband's admission in '87, as she claims. To await this evidence, and for further consideration of her rights arising thereunder, her application for enrollment will be taken under consideration and will, at present, be placed upon a white card. Her six children named in the testimony are all identified with her on the roll of 1896. They will be listed now as Cherokees by blood upon a white card with their mother to await the evidence of their father's admission to citizenship in 1887. They are all minors at this time and they are all living at this time.

Q These children are all living now, are they? A Yes sir.
Q You were never married to your husband under Cherokee law after he was re-admitted to citizenship? A No sir.

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

E. G. Rothenberger.

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

C. Wheeler
Commissioner.

"R"

Cherokee D 554

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Dady Tucker for the enrollment of herself and children.

Appearances:
Applicant's husband, J.A.Newport, and agent, Jo.R.Sequichie, agent for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the first day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, the first day of March, 1902, appears by her husband, J.D.Newport, and by her agent, J.R.Sequichie, of Chelsea, I. T.
BY COMMISSION OF AGENT SEQUICHIE: Any statement you desire to make?
AGENT SEQUICHIE: By reason of the applicant being listed on a doubtfulcard for the want of evidence as to the admission of her father in '87, and same is filed with said application.

JACOB D. NEWPORT, being first duly sworn,and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Jacob D. Newcomb.
Q Where do you live? A I live at Ramona, Indian Territory.
Q Are you the husband of Dady Tucker? A Yes sir
Q When were you married to her? A Third day of last July.
Q Have you any evidence of your marriage? A I have a certificate.
Q Let me have it please? A (Produces papers.)
Q What are you, Cherokee or a white man? A I am a white man.
Q Never claimed any right to enrollment as a citizen of the Cherokee Nation? A No sir.
BY MR. HASTINGS:
Q Dady Tucker is a white woman? A Yes sir.
BY COMMISSION: There is offered in evidence a marriage license signed by Charles A. Davidson, Clerk of the United States Court by William R. Shackelford, Deputy, on the 26th day of June, 1901, authorizing the marriage of J.D.Newport and Daty Tucker and a certificate showing that they were united in matrimony by W. L. Martin, Minister of the Gospel, and same will be filed herewith.
BY MR. HASTINGS:
Q What was your wife's former husband's name? A Elijah Tucker.
Q Who is Daniel Tucker? A That is the same man, but the man that got the license was well acquainted with him but just through a mistake got them out Daniel Tucker.
Q Was his name Daniel? A That's what his name , it is just a givenname.
Q We want to know what his name was? A That was his right name but everybody called him Dan for a nick name.
Q Then E.J.Tucker and Daniel Tucker is one and the same person? A Yes sir.
Q You know when Daniel or E.J.Tucker, came here? A No, I was not here at the time he came here and I was not here at the time of his death. My neighbors all around there have told me of his death.

COMMISSION OF AGENT SEQUICHIE: Any further statement you desire to make relative to this application?
AGENT SEQUICHIE: The applicants claim original applications of the minor children as Mrs. Daniel Tucker claim through their father, and whatever disposition is made of the case of Mrs. Daniel Tucker, does not affect the citizenship of the children.
BY MR. HASTINGS: The Cherokee Nation calls attention to the fact that it is now proven that Dady Tucker, the mother of these children, since this application was made, has married a white man, not a citizen of the Cherokee Nation, and therefore forfeited whatever rights she may have had as a citizen by intermarriage, and section 666 of the Compiled Laws of the Cherokee Nation, 1892, is cited.

BY COMMISSIONER: The agent for the applicant and the representative of the Cherokee Nation submit this case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

---

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 March 1, 1902.

Commissioner.

Cherokee D 554

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

In the matter of the application for the enrollment of Dady Tucker as a citizen by intermarriage, and for the enrollment of her minor children Thomas T., Walter W., Nellie, Hilliard Monroe, Viola and Esther Tucker, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 9, 1900, Dady Tucker appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Thomas T., Walter W., Nellie, Hilliard Monroe, Viola and Esther Tucker, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Bartlesville, Indian Territory, on October 10, 1900, and again at Muskogee, Indian Territory, on March 1, 1902.

The evidence shows that the aforesaid Dady Tucker, a white woman, was lawfully married on April 17, 1884, to one E. J. Tucker who appears in the Marriage License as Daniel Tucker. It is further shown that the said E. J. Tucker, known as Daniel Tucker, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 24, 1887. The minor children, applicants in this case, are the result of that marriage. It further appears that E. J. Tucker, known as Daniel Tucker, died, and subsequent to his death Dady Tucker was married on the 26th day of June, 1901, to one J. D. Newport, a white man. Dady Newport, formerly Tucker, and her minor children, hereinbefore named, are identified on the Cherokee Census Roll of 1896.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws." The Cherokee law applicable in the case of Dady Newport, formerly Tucker, is found in Section 666 of the Compiled Laws of the Cherokee Nation of 1892, which provides:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship or blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of Dady Newport, formerly Tucker, as a citizen by intermarriage of the Cherokee Nation should be denied: The application for the enrollment of Thomas T. Tucker, Walter W. Tucker, Nellie Tucker, Hilliard Monroe Tucker, Viola Tucker and

Further Testimony as citizens by blood of the Cherokee Nation should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] Commissioner.

[illegible] Commissioner.

C. R. Breckinridge Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 11 1902

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 554.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of Thomas T., Walter W., Nellie, Hilliard Monroe, Viola and Esther Tucker as citizens by blood of the Cherokee Nation, and denying the application of Dady Tucker for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision, granting the application of the above named persons. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 1.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 554.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 11, 1902, rejecting the application of Dady Newport for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her six minor children, Thomas T., Walter W., Nellie, Hilliard M., Viola and Esther Tucker, as citizens by blood, of the Cherokee Nation, a copy of which decision was furnished you on August 13, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Tams Bixby.

Acting Chairman.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 554.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 11, 1902, rejecting the application of Dady Newport for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her six minor children, Thomas T., Walter W., Nellie, Hilliard M., Viola and Esther Tucker, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 27, 1902.

Respectfully,

Acting Chairman.

Rat int

IN THE MATTER OF THE APPLICATION OF

Dadiga Tucker et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/9/00.
B. Memo. of Application of 10/9/00
C. Copy of marriage record -
D. Copy of Certificate of Admission
E. Marriage license & certf.
F. Notice of final consideration. 3/1/0

G. Supplemental testimony and order [illegible] testimony.

See Cherokee Jacket D 0553

[illegible]

Cher D 555

D 555

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 9 1900

CHAIRMAN

and the enrollment of the
stenographer to be
enrollment.

Commissioner.

Commissioner.

Appointed and sworn before me this 8th day of October
A. D. 1900.

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Bartlesville, I.T. October 9th, 1900.

IN THE MATTER OF THE APPLICATION OF DATA TUCKER FOR THE ENROLLMENT OF HER STEPCHILD, CALVIN TUCKER, AS A CHEROKEE CITIZEN.

The said Data Tucker, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name, please? A Data Tucker.
Q How old are you? A Thirty-two.
Q Your post office? A Ramona.
Q Your district? A Coweescoowee.
Q Who is it you want to have enrolled now? A One step child
Q What is the name of that child? A Calvin Tucker.
Q How old is this child? A He is twenty.
Q What is the name of his father? A Daniel Tucker.
Q Is his father dead? A Yes, sir.
Q His father was your husband, wasn't he? A Yes, sir.
Q This is a child by a former wife, is it? A Yes, sir; his first wife.
Q Was this child's father admitted to citizenship by the Cherokee Commission or Council, Daniel Tucker, the father of this child? A Yes, sir; he was admitted.
Q He was admitted in September, 1887, wasn't he? A Yes, sir.
Q You have not a copy of the certificate of admission? A No, sir; I have not.
Q Daniel Tucker died some four years or more ago, did he? A Yes, sir; four years last April.
Q Did he live in the Cherokee Nation,--Daniel Tucker, I mean--from the time of his admission in 1887 until he died? A Yes, sir.
Q Did this boy, Calvin Tucker, live with him all the time? A Yes, sir; all the time.
Q And he is living at this time, is he? A Yes, sir; he is living at this time.

1896 Roll, page 270 No.4836, Calvin Tucker, Coweescoowee District.

THE COMMISSIONER: The applicant applies for the enrollment of a step child, a minor, Calvin Tucker,--the child of her husband by a former wife. She states that her husband was admitted to citizenship by the Cherokee Commission in 1887, and that this son has lived in the Cherokee Nation ever since the time of his father's admission. He is identified on the roll of 1896, and is living at this time. He will be listed now for enrollment as a Cherokee by blood on a doubtful card to await official evidence of his father's admission in 1887, which the applicant is required to supply.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment

and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

W. S. Mathis

Subscribed and sworn to before me this 9th day of October A. D. 1900.

Commissioner.

[illegible]

[illegible]

[illegible]

[illegible], [illegible], [illegible], [illegible], 1902.

In the matter of the application of Calvin Tucker, for enrollment as a Cherokee citizen.

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There was filed with this commission as an Exhibit in Cherokee Case No. D 434, a transcript of page 188 of the Cherokee Citizenship Docket of 1887, duly certified by A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation under the seal of said Nation, to be a true and correct transcript from which it appears that one Calvin Tucker, age six years was re-admitted, among others, to all the rights and privileges, and immunities of Cherokees by blood on the 24th day of September, 1887.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

Cherokee D 558

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Calvin Tucker for enrollment as a Cherokee citizen.

On the ninth day of October, 1900, Nata Tucker appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her step-child, Calvin Tucker, as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Calvin Tucker was placed upon a "Doubtful" card awaiting proof of his rights as a Cherokee citizen.

Further evidence has been submitted to the Commission and the following decision is rendered.

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D E C I S I O N.

---o0o---

From all the evidence of record in this case it appears that Calvin Tucker is a Cherokee Indian, a son of Daniel Tucker, the husband of Nata Tucker by a former wife. The evidence shows that Calvin Tucker was re-admitted to citizenship in the Cherokee Nation by the decision of a Cherokee Commission on Citizenship on the 24th day of September, 1897. He has lived in the Cherokee Nation ever since the date of his admission/ and he is identified on the Cherokee Census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495);

" That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be recognized by this and preceding Acts of Congress, and to enroll all persons now living whose names

are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon, and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

In view of the facts and the law in this case it is considered that Calvin Tucker is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

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.

REFER IN REPLY TO THE FOLLOWING

D - 555

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Calvin Tucker for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-555

MATTER OF THE APPLICATION OF

Solomon Tucker

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 1/9/02

B. Memo of Application of 1/9/02

Copy of testimony filed with Cherokee Roll Commission

Sept. 16, 1902 Cancelled and transferred to Cherokee No. 9597

~~to Cherokee Jacket 9848~~ 9848

Enrolled

Charles Colson et al. v. U. S.

[illegible], being sworn and examined for Court's Creek Nation testified as follows:

[illegible]

Q [illegible] A [illegible]

Q [illegible] A 90.

Q [illegible] of land? A [illegible]

Q [illegible] lived in the Chickasaw Nation? A [illegible]

over [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] I [illegible]

Q Have you been [illegible] all this [illegible]

Q [illegible] A [illegible]

Q [illegible] testimony, [illegible]

A [illegible]

Q [illegible] Department of Indian Affairs, be in identified on the roll of [illegible] Nation? A [illegible] in the [illegible] Nation adopted citizen, but is entitled to a [illegible] roll, and I will be still be [illegible] or two by [illegible] to establish the [illegible] and claim [illegible] satisfactory proof of his [illegible] to citizenship [illegible] Island;

[illegible] wife is [illegible] married him in 1902; she is [illegible] the roll of 1896; they have lived together [illegible] and she is now living on a subsidiary [illegible] as a Chickasaw citizen;

Q [illegible] in controversy on the roll of 1896;

A [illegible] I [illegible] as a [illegible]

Q [illegible] Court [illegible]

[illegible]

[illegible] a [illegible]

[illegible] authority [illegible]

[illegible] with [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct. 10, 1902.

In the matter of the application of Charles Colston for the enrollment of himself, wife and children as Cherokee citizens, being sworn and examined by Commissioner Brankinridge he testified as follows:

Q Give us your name? A Charles Colston.
Q How old are you? A About 29
Q What is your post-office? A Bartlesville.
Q In what district do you live? A Coowescoowee.
Q You want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir
Q How many children? A 3
Q You apply for as a Cherokee by blood? A Yessir.
Q What are you, half-breed? A One quarter breed.
Q What is your wife, Cherokee? A No, she is a white woman.
Q Have you lived in the Cherokee Nation all your life? A Yessir
Q Give me the name of your father? A Jack Colston.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Jennie Colston. Washer name at the time.
Q Is she live? A Yes sir.
Q Give me your wife's name? A Annie Colston.
Q How old is she? A She must be about 25
Q When did you marry her? A In 1893
Q Has she lived with you ever since your marriage? A Yessir
Q Have you a certificate of marriage? A Yes sir. (Produces papers Com'r: The applicant presents certificate showing that he and his wife were married as stated by him on June 30 1893, by the Rev. Jesse Sarcoxie; this is returned to him.
Q She has lived with you, you say, ever since you were married to her? A Yes sir.
Q Now give me the names of your children? A Mary Susan Colston
Q How old is that child? A She was 8 years old 8 9th of last April.
Q Next child? A Vertha May.
Q How old is she? A She will be 3 years old the 13th of August this September.
Q Next child? A He was born last August.
Q What is his name? A Alberty Colston. That's a boy.
Q How old is that child? A Born 30th of this last August.
Q These children are all living now here there? A Yes sir
Q Who are you living with in 1880? A I was living with my grandfather.
Q What is his name? A Jesse Thompson.
Q You think you might have been enrolled as Charley Thompson?
A Yes sir.
Q Was your grandfather living in Illinois District? A No sir
Q He is in Coowescoowee District.
Q What was your grandfather's wife's name? A That time
A Lisa.
Q Your father was born in 1850? A Yes sir
Q What was your mother's husband's name? A I don't remember; after my father died she married a fellow named Lovelady. I think; she afterwards married a man named Goodhugh.
1880 roll examined for applicant, and name not found.
1896 roll page 136, Allio Charles Colston Coowescoowee, native Cher
1896 roll, age 3/0 ; 266 Annie Colston Coowescoowee Dist;
1896 roll, page 136 Allio Mary S. Colston
1896/1880 What is your mother's present name? Jennie Hillerman
Q Have you anybody here who has known you all your life?
A Yes sir, right there is a man that knows me, Tom Willis.

JOHN R. WILLY, being sworn and examined by Com'r Breckinridge testified as follows:

Q Give your full name? A John R. Willy.
Q How old are you? A 30
Q What is your post-office? A Nowata.
Q How long have you lived in the Cherokee Nation? A Little over 30 years.
Q Are you a Delaware or a Cherokee? A Delaware.
Q Do you know Charles Colston, this applicant? A Yes. I know him than I see him.
Q Have you known him all his life? A I don't know him all his life.
Q You know his mother? A I have seen his mother.
Q You don't know, intimately, anything about the family?
A No sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and three children; he is identified on the roll of 1896 as a native Cherokee; he states that he has lived in the Cherokee Nation all his life, but he cannot be identified on the roll of 1880; he will be listed now for enrollment as a Cherokee by blood on a doubtful card, to await his identification on the roll of 1880 or more satisfactory proof of his nativity and claim to citizenship through Cherokee blood;

His wife is shown to have married him in 1893; she is identified with him in the roll of 1896; they have lived together ever since their marriage, and she will now be listed on a doubtful card as a Cherokee by adoption.

Their child, Mary S, is identified on the roll of 1896; she is living now and she will be listed on a doubtful card as a Cherokee by blood; when the Commission is presented with certificates of birth for the two younger children named in the testimony, they also will be listed for enrollment as Cherokees by blood on a doubtful card; the applicant is required to more satisfactorily identify himself with respect to his earlier history.

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 10 day of October 1900.

E M Phillips

Commissioner.

D556 - Supl.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 15 1900

ACTING CHAIRMAN.

SUPPLEMENTAL: D 556



Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I T., October 11, 1906.

In the matter of the enrollment of Charles Colston and family as Cherokee citizens. George B. Keeler being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name? A George B. Keeler.
Q You want to give some additional testimony in the application of Charles Colston for himself and family? A Yes sir.
Q What is your age? A 58
Q What is your post-office? A Bartlesville.
Q How long have you lived in the Cherokee Nation? A I have been here since 1871.
Q Can you assist us in identifying Charles Colston on the roll of 1880? A I can identify Charlie Colston, but I don't know how it is he was left off of the roll of 1880; the only way I can account for it was that his parents was a little careless in giving in the names,- his grandfather rather.
Q How long have you known him in the Cherokee Nation? A Since he was a little boy I suppose about two or three years old.
Q What is his present age, about 29 or 30? A I should judge so
Q Has he always been recognized as a Cherokee citizen? A Yes sir.
Q Has he exercised all the rights of Cherokee citizens? A Yes sir
Q Voted at the elections. A Yes sir.
Q Did you know his mother? A Yes sir.
Q Was she a full-blood Cherokee or what was she. A No. I don't know whether she was a full-blood or not, about three quarters I should judge.
Q She was recognized as a Cherokee woman by blood? A Yes sir
Q You feel no doubt whatever of the nativity of Charles Colston to the Cherokee Nation? A No sir, I have no doubt in the world but that he is a Cherokee Indian.
Q Always understood he was born here? A Yes sir.
Q And lived here all his life? A Yes sir
Q What is your business in the Cherokee Nation? A General merchandise and cattle.
Q You have been in business ever since you came to the Cherokee Nation have you? A Most of the time, yes sir.

WILLIAM JOHNSON, being sworn and examined by Com'r Breckinridge, testified as follows:

Q Give your full name? A William Johnson.
Q What is your post-office? A Bartlesville.
Q How old are you? A 40 years old.
Q How long have you lived in the Cherokee Nation? A 34 years.
Q Do you know Charles Colston? A Yes sir.
Q How long have you known him? A I have known him ever since I have lived over in this ~~country~~ part of the country; I moved here in 1872.
Q Has he always been recognized as a Cherokee citizen? A Yes sir
Q You know of any reason why he should not be on the roll of 1880? A No sir
I don't unless it is carelessness on the part of his parents or the census takers.
Q You know his wife Annie? A No sir. I know he is married, but I don't know his wife.
Q You have never known him to have but one wife? A That's all
Q You know he has lived all his life in the Nation? A Yes sir
Q Has he always been looked upon as a native of the Cherokee Nation? A Yes sir.
Q Never lived anywhere else? A No sir.
Only he worked back and forth part of the time in the Osage Nation but he has always lived here.

Charles Colston et al #

Q Permanent residence here. A Yes sir.

Com'r Breckinridge: This evidence seems to definitely identify Charles Colston as a native of the Cherokee Nation, and the witnesses are recognized in this community as responsible men, and the evidence will be placed with the final file of Card # 584.

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 12th day of October 1900.

C W Breckinridge

Commissioner.

"R"

Cherokee D 556

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Charles Colston for the enrollment of himself, wife and children as Cherokee citizens.

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

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory on the 1st day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st of March,1902, appears in person.

CHARLES COLSTON, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q What is your name? A Charles Colston.
Q How old are you? A Thirty years old, I was born in '70.
Q What is your post-office address? A Bartlesville.
Q You are an applicant before the Commission for the enrollment ~~of yourself as a citizen~~ of the Cherokee Nation? A Yes sir.
Q Is there any other statement you want to make about your application before the Commission? A No I guess not.
Q Do you submit the case to the Commission for final consideration?
A Yes sir.

BY COMMISSION: There is offered in evidence a marriage certificate signed by John Sarcoxie, Minister of the Gospel, showing that Charles Colston and Annie Smoak were united in marriage on the 30th day of June,1893; this is filed herewith.

BY MR. HASTINGS:

Q Is that your first marriage? A Yes sir.
Q Was this woman ever married before she married you? A Nosir.
Q Never had any children? A No sir.

BY COMMISSION: The applicant on behalf of himself wife and children, and the representative of the Cherokee Nationpresent submit this case to the Commission; same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

---

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 March 1st,1902.

Commissioner.

Cherokee D 556

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

In the matter of the application for the enrollment of Charles Colston and his minor children Mary Susan, Bertha May and Alberty Colston, as citizens by blood, and for the enrollment of his wife Annie Colston, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 10, 1900, Charles Colston appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself and his minor children Mary Susan, Bertha May and Alberty Colston, as citizens by blood, and of his wife Annie Colston, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Bartlesville, Indian Territory, on October 11, 1900, and again at Muskogee, Indian Territory, on March 1, 1902.

The evidence shows that Charles Colston at the time of this application was 29 years of age. He is not identified on the Cherokee Authenticated Roll of 1880. His father being dead at that time, his enrollment was intrusted to his grandfather. For reasons which are unexplained his name does not appear thereon. The testimony of competent witnesses called for the purpose of establishing his citizenship is deemed sufficient to establish his identity as a native Cherokee. The evidence further shows that on the 30th day of June, 1893, the said Charles Colston was lawfully married, in accordance with the laws of the Cherokee Nation, to one Annie Swank, a white woman. As a result of that marriage Mary Susan, Bertha May and Alberty Colston were born. Charles Colston has lived in the Cherokee Nation all his life and is identified on the Cherokee Census Roll of 1896 as a native Cherokee, as is his daughter Mary Susan. Annie Colston is identified thereon as an intermarried white person. Bertha May and Alberty Colston are identified by certificates of birth filed herewith.

It is, therefore, the opinion of this Commission that Charles Colston and his minor children Mary Susan, Bertha May and Alberty Colston, should be enrolled as citizens by blood, and that Annie Colston should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 11 1905

Cherokee D-386.

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

In the matter of the application for the enrollment of Charles Colston and his minor children, Mary Susan, Bertha May and Alberty Colston, as citizens by blood, and for the enrollment of his wife, Annie Colston, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 19, 1900, Charles Colston appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself and his minor children, Mary Susan, Bertha May and Alberty Colston, as citizens by blood, and for the enrollment of his wife, Annie Colston, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Bartlesville, Indian Territory, on October 11, 1900, and again at Muskogee, Indian Territory, on March 1, 1902.

The evidence in this case shows that Charles Colston, at the time of this application, was twenty-nine years of age. He is not identified on the Cherokee authenticated roll of 1880. His father having died before this time, his enrollment was entrusted to his grand-father. For reasons which are not explained his name does not appear thereon. Testimony of competent witnesses, called for the purpose of establishing his citizenship, is deemed sufficient to establish his identity as a native Cherokee.

It is further shown by the evidence that the said Charles Colston was lawfully married, in accordance with the laws of the Cherokee Nation, on the 30th day of June, 1891, to one Annie Swank, a white woman. As a result of that marriage Mary Susan, Bertha May and Alberty Colston, were born. Charles Colston and his daughter, Mary Susan, are identified on the Cherokee census roll of 1896. Bertha May Colston was born on October 18, 1897. Alberty Colston was born on August 30, 1900, and both children are identified by certificates of birth made a part of the record herein.

The evidence further shows that Charles Colston has lived in the Cherokee Nation all his life, and was a resident therein on the date of this application. It is considered that the minor children have resided all their lives in the Cherokee Nation. It is further shown by affidavits made a part of the record herein, that his minor child, Alberty Colston, died on the 25th day of January, 1901, and the

his wife, Annie Colston, died on the [illegible] day of [illegible], 1900.

It is the opinion of this Commission that Charles Colston, Mary Susan Colston and Bertha May Colston, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the act of Congress approved June 28, 1898, (30 Stats., 495) and it is, therefore, so ordered.

It is further ordered by this Commission that the application for the enrollment of Annie Colston and Alberta Colston, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). James Dixon.

Acting Chairman.

(SIGNED). T. B. Needles.

Commissioner.

(SIGNED). C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 556.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of Charles Colston and his minor children, Mary Susan, Bertha May and Alberty Colston, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Annie Colston, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 35.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 556.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Charles Colston, for the enrollment of himself and his two minor children, Mary S. and Bertha M. Colston, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his wife, Annie Colston and his minor child, Alberty Colston.

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,

Acting Chairman.

Enclosure H. No.420.

IN THE MATTER OF THE APPLICATION OF

Johnson Colston et al

FOR PAS

CHEROKEE CITIZENS.

A Original testimony of 10/10/00

B Memo. of Application of 10/10/00

C Supplementary testimony of 10/11/0

D Birth certificate of Albert Colston

E Birth certificate of Bertha May Colston

F Notice of final consideration, 3/1/02

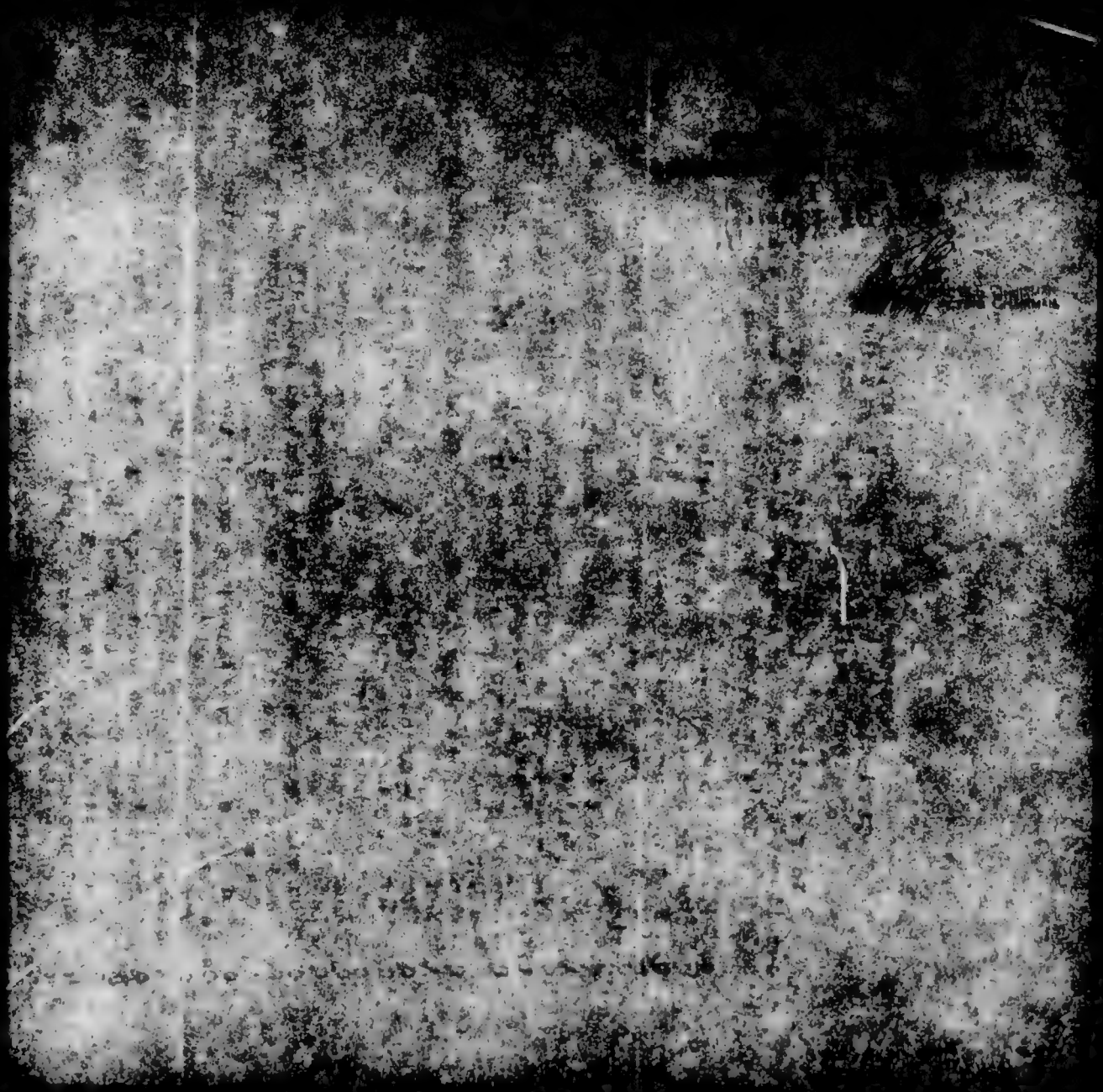
G Marriage card

Copies

H Supplemental [illegible] and order [illegible] 3/1/02

[illegible] R 812.

Cher D 557



Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct. 10, 1900.

In the matter of the application of Mack Taylor for enrollment of himself as a Cherokee citizen, being sworn and examined by Com'r Brookbridge he testified as follows:

Q Give us your name. A Mack Taylor
Q How old are you? A 22 years old.
Q What is your post-office? A Pawhuska.
Q What district do you live in? A I am living in the Osage Nation.
Q Who is it you want to have enrolled yourself and family?
A No sir, just myself.
Q Do you claim to have lived in the Cherokee Nation all your life? A I have lived in it since 1881.
Q How did you get to be a citizen in 1881? A We come from North Carolina.
Q Were you admitted by the Cherokee Commission or Council?
A Yes sir.
Q Where is your certificate? A I haven't got it.
Q What is your father's name? A David Taylor
Q Is he dead or alive? A Alive.
Q What is your mother's name? A Laura Taylor.
Q Is she dead or alive? A She is alive.
Q You came here in 1881 and were admitted in 1881? A Yes sir.
Q You have claimed the Cherokee Nation as your home ever since?
A Yes sir.
Q Did you ever live anywhere except the Cherokee Nation and Osage Nation? A No sir.
Q When did you begin living in the Osage Nation? A Last June a year ago.
Q Married last June a year ago? A No sir, I was married in 189[illegible]. Had to move over there to school the children.
Q Your children are Osage? A Yes sir.
Q What proportion of Cherokee blood do you claim? A About one eighth or sixteenth.
Q You have to move your home over there in order to get the children enrolled over there? A Yes sir.
1896 roll [illegible] #1948 Mack Taylor Cooweescoowee District.

Com'r Brookbridge: The applicant is identified on the roll of 1896 as a native Cherokee; he claims to have been admitted to the Cherokee Nation in 1881, by the Cherokee Council or Commission, and to have lived in the Cherokee Nation ever since, except that he moved with his family to the Osage Nation in June 1899 and he makes his home there now, which he states is necessary in order for the enrollment of his wife and children, his wife being an Osage and his children being enrolled in that Nation as Osage citizens. The applicant is required to present to the Commission with an official evidence of his admission to citizenship in 1881, and to await this evidence and then further consider the effect upon his right to enrollment of his change of domicile to the Osage Nation. His application will at this time be placed [illegible] doubtful [illegible] the decision of the Commission will be [illegible]

Y.D. GROWN, 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 complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 10 day of Oct. 1900.

Commissioner.

"K"

D 557

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Mack Taylor, for the enrollment of himself as a citizen of the Cherokee Nation:

Appearances:
J. R. Sequichie, Agent, for applicants;
W W Hastings, for the Cherokee Nation.

Applicant was notified by registered letter on February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

The applicant, this day, to-wit: the 1st day of March, 1902, appears in person and by his ~~xxxxx~~ agent J. R. Sequichie.

The Commission: Is there any statement you desire to make relative to the case ?

Mr. Sequichie: The representative of the applicant calls the attention of the Commission to the certificate of readmission signed October 18, 1900. The testimony shows in the original application that the applicant Mack Taylor intermarried with the Osage tribe of Indians, and that the reason of his residence in the Osage Nation at times is on account of his children; that he does not apply for the citizenship of the children as Cherokees by blood, but as Osage Indians by blood. He only applies in his own behalf. And further, that his personal effects, his farms, and his personal property is located in the Cherokee Nation, as setforth in the testimony.

The agent for the applicant and the representative of the Cherokee Nation present, submit the case, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

---

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

E. C. Bagwell.

Subscribed and swern to before me this March 3, 1902.

Commissioner.

Cherokee D 887

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

In the matter of the application of Mack Taylor for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on October 10, 1900, Mack Taylor appeared before the Commission at Bartlesville, Indian Territory, and made application for his enrollment as a citizen by blood of the Cherokee Nation.

The evidence in this case shows that Mack Taylor is identified on the roll of North Carolina Cherokees who removed to the Cherokee Nation October 22, 1881, under an Act of the Cherokee National Council approved December 3, 1880, and he is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Mack Taylor resided in the Cherokee Nation from 1881 up to and including June 28, 1898.

It is, therefore, the opinion of this Commission that Mack Taylor should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with 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.
Acting Chairman.

(SIGNED) T. B. Needles,
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this JAN 30 1903

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-557

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of Mack Taylor for enrollment as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Enc. M-6174

MATTER OF THE APPLICATION OF

Maola Taylor.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

a Original testimony of 17/10/00.
b Memo. of application of 17/10/0
c Certified copy of an Act of National Council
d Notice of final consideration, 3/1/02

Copy of testimony

Cancelled and transferred to Cherok. Na

D638

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 11 1900

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct. 10, 1900.

In the matter of the application of Addie Wagon for the enrollment of herself, being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give me your name. A Addie Wagon.
Q How old are you. A 39 yearsold.
Q In what district do you live? A Cooweescoowee.
Q What is your post-office? A Bartlesville
Q Who is it you want to have enrolled, yourself and family.
A Yes sir,- I am a widow, my husband was a Delaware
Q What is your child's name. A Kate Wagon; I think she was enrolled by her grandmother.
Q Do you apply at present for your own enrollment. A Yes sir, as intermarried.
Q You are not a Cherokee by Blood? A I am a Cherokee of French descent, but I have never been on the roll
Q Do you claim as an intermarried Cherokee? A Yes sir
Q What was the name of your husband? A Joe Wagon.
Q He was a Cherokee? A No, he was a Delaware.
Q When did he die? A He died a year ago last April 25th.
Q How old was your husband when he died? A I think according to his mother's account he was about 37 when he died.
Q How long did he live in the Cherokee Nation? A I don't know; he came home when the Delawares came, when a boy.
Q When were you married to him? A In November 1893.
Q Have you a certificate of your marriage? (Produces papers)
Q Your maiden name was McDaniel? A Yes sir
Com'r: The applicant presents certificate of marriage showing that she and her husband were married before witnesses and that the certificate was recorded on page 256 Book 3 of the marriage record of Cooweescoowee District, the date given in pencil, and is given as November 22nd, 1893.
Q You say that was not there at the time this certificate was issued
A No, sir, that date
Q You don't know when it was put there? A I think it was put there in 1897.
Com'r: This is filed herewith.
Q Did you and your husband live together from the time of your marriage until his death? A Yes sir, most of the time, except when I was away from him on account of my health, at my father's.
Q You were never absent from him only in a temporary way? A Only just for my health, just temporary.
Q What is the name of his father? A I don't know.
Q What is the name of his mother? A Patiska.
1880 roll page 205 #317 Joe Wagon Cooweescoowee Dist, intermarried adopt Delaware, 21 years old.
1896 roll page 187 #673 Joe Wagon Cooweescoowee District.
1894 roll examined correct, filed and name not found.

J.B. PARKER, being sworn and examined by Com'r Breckinridge testified as follows:

Q What is your name? A J.B. Parker.
Q What is your age? A [illegible]
Q What is your post-office? A Jenton.
Q How long have you lived in the Cherokee Nation? A [illegible] years
Q You are a Delaware are you? A Yes sir.
Q Did you know Joe Wagon, husband of this applicant here, Addie Wagon? A Yes sir.
Q Was the applicant married to him? A This is the first time I ever saw the lady.
Q You have not been present at the marriage? A No sir.

Q Did you know of his having a wife? A Yes sir, I was told that he had a wife, that's all.
Q But you never saw his wife? A No sir.
Q You don't know who his wife was? A No sir.

PATIAKA, being sworn and examined by Commissioner Breckinridge, testified as follows:

J.B.Park r, Interpreter:

Q What is your name? A Patiaka.
Q Was this applicant here the wife of your son Joe? A Yes.
Q When were they married? A They lived together about six years and the man has been dead about a year.
Q Did your son ever have any other wife? A Yes he has got a granddaughter by another woman.
Q Is that other wife dead? A Yes.
Q Was she dead before he married this woman? A Yes sir.
Q They held each other out as husband and wife did they and while they were living together? A Yes sir.

APPLICANT RE-CALLED:

Q Were you ever married except to your husband Joe Wagons?
A No sir.

PATIAKA, re-called:
Examined by Cherokee Republic Bench; J.B.Parker, Interpreter:
Q Did they live at her house? A They had a house of their own.
Q Was they ever separated from the time they began living together as husband and wife? A Not that she knows of.

APPLICANT RE-CALLED:
Q Why were a marriage certificate in issue? A I don't know, too not understanding I guess, he didn't talk very good English, he generally had to have an interpreter.
Examined by Cherokee Republic Bench:
Q Didn't they reject your enrollment because you were part colored or claimed to be part colored? A No sir, I never claimed it and I never exerted it.
By Commissioner Breckinridge:
Q Didn't they claim you were? A Not that I know of, I don't know; I don't think they could prove anything of that kind.
Q Are you part colored? A No sir I am not.
Q What is your maiden name? A Addie McDaniel.
Q What is your father's name? A Richard McDaniel.
Q Is he dead or alive? A Alive.
Q What is your mother's name? A Victoria McDaniel.
Q Is she dead or alive? A Alive.
Q Where is your father living? A Down near me, where I live.
Q And your mother, where does she live? A She lives with him.
His father was a half-blood Cherokee and half Pottowatomie. His father lived in North Carolina; his father was with the Cherokees in the war against corner of South Carolina then next to Georgia and his mother was born in North Carolina and when the Cherokees came here they drifted some other way.
Q Did you ever apply as the Cherokee citizens? A Yes sir, he had to apply, but was way through the lawyer he didn't get on, it too much to him instead of our own work.
Q When did your father come to the Cherokee Nation? A 8 years ago. He sent his children to get an education before he brought them.
Q Was that about the time you were married? A Yes sir, we came here in March, I came here in July and married in November of that year.
Q Did you ever apply to the Dawes Commission for enrollment?
A I don't know whether I did or not.

Our Complaint was with a lawyer, Campbell Taylor, a Cherokee lawyer; I don't know what he done.
By Char Rep've Hastings:
Q When did your husband die? A 25 of April a year ago.
By Char Rep've Raush:
Q Was your mother ever called Vicy? A No sir, not that I know of.
By Char Rep've Hastings:
Q Were you living with your husband in 1896? A Yes sir, I was away teaching school of hour so a great deal of the time, I was away teaching school. I think I was away teaching in 1896; I'm not sure.

Note: Dawes Commission Records Examined, Docket A page 432 Cherokee #2953 Richard McDaniel versus the Cherokee Nation; filed September 4th 1896, answer filed; application denied at Vinita Indian Territory November 10 1896.

Com'r Brackinridge: The applicant applies for the enrollment as an intermarried Cherokee; she shows by the certificate and personal testimony that she was married to her husband in 1893; she states that they lived together as husband and wife until his death a year ago last May; she states that she has not re-married since his death; her husband is identified on the rolls of 1880 and 1896 as an adopted Delaware; the applicant is not identified on the roll of 1896; she states that she and her father and mother came to the Cherokee Nation in 1893, in the autumn of which year she was married to her husband; the records of the Dawes Commission show as stated in the testimony that her father applied for Cherokee citizenship for himself only in 1896, that his application was denied, and from that denial no appeal was taken. It is shown that her husband was previously married, but that his former wife was dead when he married the applicant; she states that she was never married except to her deceased husband; for the further consideration of her case her application will be placed upon a doubtful card and the final decision of the Commission will be made known to her at her post-office address.

I, 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 11th day of October 1900.

[illegible]

Commissioner.

"R"

D 558

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Addie Wagon, for the enrollment of herself as a citizen of the Cherokee Nation:

Applicant was notified by registered letter on February 12, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that she could on said day appear either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application.

It is directed that copies of all papers filed with the Commission under the provisions of the Act of Congress approved June 10, 1896, in the case of Richard McDaniel vs The Cherokee Nation, a claimant for citizenship in the Cherokee Nation, be filed with and made a part of the record in this case. The same appears upon the Dawes Commission record of citizenship cases in the year 1896 on page 482, No. 2953.

This case having this day, to-wit: the 1st day of March, 1902, been called , and applicant failing to respond either in person or by attorney, it is directed that the case be closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

8558







SECRET.

[illegible]

[illegible] THE ON LIFE AND ITS COMMITTEES.
[illegible] THAT THE [illegible] BEFORE THE [illegible] OF CUBA OF THE
[illegible] COMMISSION TO THE HAVE CRATTERS [illegible] THAT THE
[illegible] I. H. C. [illegible] ON THE [illegible] OF THE [illegible]

Supl to D 558

-Copy-

State of Northern District)
County of Indian Territory) ss

Richard McDaniel after being duly sworn states on oath my age is 54 years; a resident and citizen of Sequoyah Nation District county and state aforesaid; postoffice Bartlesville and has the following children, to-wit:
Gurney D. McDaniel Addie Wagon Beatrice McDaniel Richard McDaniel Lestie McDaniel,
who were born to me in lawful wedlock and are my children as set forth in my application for citizenship in the Cherokee Nation.

Richard McDaniel

(Seal) Witness:

Subscribed and sworn to before me this the 31st day of August, 1896.

H. Jennings,
Notary Public

(Seal)

I, H. Jennings Notary Public do certify, that Richard McDaniel is a creditable person and entitled to full faith and credit before any of the courts of the state of Indian Territory

H. Jennings

My commission expires April 1, 1899.

---

NORTHERN DISTRICT }
} SS
INDIAN TERRITORY }

Newton Davis, after being duly sworn, says my age is 52 years, a resident and citizen of Cherokee Nation, County and State aforesaid. Post office address Bartlesville. I have been personally acquainted with the applicant R. McDaniels for the past 4 years and know him to be the person representing himself to be in application for citizenship in the Cherokee Nation.

his
Newton X Davis
mark

Witnesses:

H. W. Lanthen.
Joe Hildebrand.

Sworn to and subscribed before me this 31 day of August, 1896.

H. Jennings.

I, H. Jennings do certify that Newton Davis is a credible person and entitled to full faith and credit before any of the courts of the state of Indian Territory or the United States courts.
Witness my hand and official seal this 31 day of August, 1896.

H. Jennings,
Notary Public.

(SEAL)

My commission expires April 1, 1899.

-Copy-

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Sabeniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1894, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Richard McDaniel, for and on behalf of himself and children

and heirs, this day make their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and Petitioner state that they are Cherokee Indian by blood, deriving the same from Will McDaniel who lived on Saloquayah Creek in Cass County in the State of Georgia and whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the year 1835 the same to be submitted to your honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files their proof in support of said claim, and respectfully awaits the time when their application shall be heard and tried.

Respectfully submitted,

Richard McDaniel.

Enrollment of family, with relationship attached, as follows:

| Names | Ages. | Relationship. |
|---|---|---|
| Viscortia McDaniel | 44 | wife |
| Gamrey D. McDaniel | 27 | Son |
| Addie Wagon | 24 | daughter(married) |
| Beatrice McDaniel | 13 | daughter |
| Richard Leslie McDaniel | 7 | Son |

In witness whereof I hereunto set my hand this 3Rd day of August 1896.

(SEAL)

Richard McDaniel

United States of America )
Indian Territory )
Northern District )

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

Richard McDaniel.

Subscribed and sworn to before me this the ___ day of _____, 1896.

H. Jennings,
Notary Public

My commission expires _____

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. H. McKennon, T. B. Sabinies and A. B. Montgomery, Commissioners.

In the matter of the application of Richard McDaniel, for citizenship in the Cherokee Nation..

Nation's No. _____
Commission's No. _____

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

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

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

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

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

S. H. Mayes, Principal Chief,
Cherokee Nation.
By Hutchings, Hastings & Boudinot, Attorneys.

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

John L. Adair

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

(SEAL) D. J. Ball
Notary Public.

Endorsed on back as follows:
"Nation's No. 4105. Commission's No. _____
In re Application of Richard McDaniel.
Demurrer and Answer.
Filed Oct 21, H. M. Jacoway— Sec."

[redacted]

[redacted]

D658

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 12 1902
ACTING CHAIRMAN

N.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 28th, 1902.

In the matter of the application of Addie Wagon for the enrollment of herself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D 558.

Addie Laver, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Addie Laver is my name. There my name was given Wagon. I was notified by the Commission to introduce proof.
Q. Wagon is the name that was given when you applied to the Commission in October, 1900? A. Yes, sir.
Q. What is your citizenship? A. I am a Cherokee by blood but I am not on the rolls.
Q. You claim the right to enrollment as a citizen by intermarriage?
A. Yes, sir.
Q. What is the name of your first husband? A. Joseph Wagon.
Q. When were you married to him? A. We were married November 23rd, 1893.
Q. Who married you? A. Joseph Bennett.
Q. Was he a minister of the gospel? A. No, sir; he was not.
Q. What position did he hold? A. Deputy clerk.
Q. What district? A. Geoweescowee.
Q. How long did you and your husband live together? A. We were married in 1893; he died 3 years ago last April, 25th day of April.
Q. Did you live together continuously? A. Exception when I was sick, he didn't want me. I was sick and couldn't work.
Q. Never separated. A. No, sir; never separated. I was at his mothers.
Q. Was there any regular separation? A. No, sir; my things were always at home.
Q. Was you there when he died? A. XI was there when he died.
Q. What did you say your name is at the present time? A. Laver.
Q. What is the name of your present husband? A. Noah Laver.
Q. When were you married to him? A. July 17th.
Q. Last July? A. Yes, sir.
Q. Who married you? A. Evans. I don't know his first name. Evans, a Baptist minister at Bartlesville.
Q. Are you living with him at this time? A. Yes, sir.
Q. What is your husband's citizenship? A. White, English and Dutch.
Q. Has he ever been recognized by the tribal authorities of the Cherokee nation as a citizen? A. No, sir; never tried to be recognized.

Hulda Bennett, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Hulda Bennett.
Q. How old are you, Mrs. Bennett? A. I am 47.
Q. Where do you reside? A. At Hillside at the present time.
Q. In the Indian Territory? A. Yes, sir.
Q. Are you acquainted with Addie Laver? A. Yes, sir.
Q. Did you know her former husband? A. Yes, I knew him; I saw him.
Q. Do you know when she and her former husband were married?
A. I don't remember the date they were married.
Q. Were you present at the time? A. Yes, sir.
Q. Do you know who married them? A. Yes, sir.
Q. Who married them? A. Mr. Bennett, my husband.
Q. What official position, if any, did he hold? A. He was deputy clerk.
Q. In what district? A. Geweescowee.

Q. As much clerk he was authorized to perform the ceremony of marriage? A. Yes, sir.

Q. Did Mrs. Lewis and her former husband live together as man and wife until he died? A. I didn't know; I supposed they did.

Q. Are you acquainted with her present husband? A. No, sir; I saw him since they came after me. I didn't see them until they came after me.

The tribal rolls of the Creek Nation examined and the name of applicant's present husband, Hash Lewis, does not appear thereon.

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

Jesse O Carr

Subscribed and sworn to before me this 17 day of July, 1902.

[illegible]

Notary Public.

Cherokee D 388

1843

60R

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Addie Laver for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

---oOo---

The record in this case shows that on October 10, 1900, Addie Laver appeared before the Commission at Bartlesville, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902, and June 28, 1902.

The evidence shows that the applicant was lawfully married about November 1893, to Joe Wagon, a Cherokee citizen of Delaware blood, who is identified on the 1880 authenticated tribal roll of the Cherokee Nation, as an adopted Delaware, and on the 1896 Census roll of said Nation. It further appears that the said Joe Wagon died on April 28, 1899, and that the applicant herein, on July 17, 1901, married Noah Laver, a white man.

From the records of the Commission it appears that the applicant, in connection with her father and others, filed her original petition, under the Act of Congress, June 10, 1896, (29 Stats., 321), with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, which was denied by the Commission and no appeal taken therefrom.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 444 of the Compiled Laws of the Cherokee Nation, (1892), provides:

> "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be) having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of Addie Laver as a citizen by intermarriage of the Cherokee Nation, should be denied, under the provisions of the Act of Congress above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC - 1 1902

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.

REFER IN REPLY TO THE FOLLOWING
Cherokee 2-[illegible].

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 2, 190[illegible].

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 190[illegible], rejecting the application of Addie Lever for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

[illegible]ting Chairman.

Enc. 2-[illegible].

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 25090-1906.
D.C. 3566-1907.

January 14, 1907.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 10, 1906 (Land 72595-1902), the Indian Office transmitted the record in the matter of the application for the enrollment of Addie Laver as an intermaried citizen of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes dated December 1, 1902, adverse to the applicant, be approved.

The applicant is a white woman who married Joe Wagon, a Cherokee citizen of Delaware blood, in November, 1893, who died in 1899. In 1901 the applicant was again married to Noah Laver, a white man.

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., the decision of the Commission to the Five Civilized Tribes, adverse to the applicant, is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Through the Commissioner
of Indian Affairs.
4 inclosures to Ind. Of.

(Signed) Thos Ryan.

First Assistant Secretary.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-558

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

Muskogee, Indian Territory, January 26, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Addie Laver for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 14, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.N-11
JMH

CHEROKEE D. 553

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 10 1900

CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., [illegible] 10th, 1900.

In the matter of the application of Elisha Margis for the enrollment of himself, wife and children, and one step-child as citizens of the Cherokee Nation; said Margis being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Elisha Margis.
Q How old are you? A I am 42 years old past.
Q What is your post office? A Nowata.
Q What district do you live in? A Rogersville.
Q Who is it you want to have put on the roll, yourself and family?
A Yes, sir.
Q Wife? A Yes, sir.
Q How many children? A I have four at the present.
Q All minors are they and unmarried? A Yes, sir, my wife has two by her husband before I married her that I think I ought to put on, one of them was married and one is not.
Q You have four children of your own and one step-child? A Yes, sir.
Q Are you a Cherokee by blood? A No, sir.
Q Is your wife Cherokee by blood? A Yes, sir, I have been married twice.
Let me see your marriage license and certificate.
Q Was your first marriage to a Cherokee woman? A Yes, sir.
Q When was that? A About 17 years ago, I think.
Q You have applied to the Dawes Commission for enrollment, haven't you? A Yes, sir.
Q For yourself and family? A Yes, sir, we was all there except one child.
Q When were you first married you say? A About 17 years ago, in March.
Q In 1883, was it? A Yes, sir.
Q You were married the third day of March, 1883 to Nancy J. Walker were you? A Yes, sir.
Q Was she a Cherokee? A Yes, sir.
Q Is she alive or dead? A She is alive. I was divorced from her and married this woman.
Q How long did you live with her? A From March until sometime in October.
Q About six or seven months? A Yes, sir.
Q And then you and she separated? A Yes, sir, she went with her mother.
Q Did you get a divorce from her? A Yes, sir.
Q When did you get a divorce? A I think it was ---
Q Do you remember when it was? A I do not recollect, it must have been pretty near a year.
Q Along about 1884 or 1885? A Yes, sir.
Q Have you a copy of the decree? A No, sir.
Q And then after a while you got married again, did you? A Yes, sir.

Com'r Breckinridge:--The applicant presents a copy of a marriage license issued by the Clerk of Delaware district March 3, 1883, authorizing his marriage to Miss Nancy J. Walker, and the certificate shows that they were married on the same date, by the Clerk of the district. This copy of filed herewith.
Q Now, you were married again, to whom did you marry the second time? A Elia Ely.
Q When did you marry her? A 13 years ago, in August, 13 years ago.
Q August, 1887? A Yes, sir.
Q Have you a certificate of that marriage? A No, I haven't, I got it misplaced.
Q Is she a Cherokee woman? A Yes, sir, citizen.

Elisha Hargis--4.

Q Is she living? A Yes, sir.
Q Are you living with her now? A Yes, sir.
Q Have you lived with her ever since you married her in 1877? A Yes, sir.
Q What is the name of the father of your first wife? A Walker, I could not tell you his Christian name.
Q Is he living or dead? A [illegible]
Q Do you know her mother's maiden name? A [illegible].
Q Do you know her [illegible]? A [illegible], sir.
Q Is she alive or dead? A [illegible] tell you that, I have not heard from her.
Q Have you given us the name of your children? A Rebecca.
Q Can you give us the name of the father of your present wife? A I think it is, I do not remember I am.
Q Can you give us the name of her children? A Rulina. She was a widow when I married her, by the name of Ely, her mother was Rulina, I think it was.
Q You don't know what your wife's maiden name was? A I think it was Rulina.
Q Where was your first wife born? A She was born in the Cherokee Nation.
Q Did she live here all her life? A Yes, sir.
Q Where was your second wife born? A In Illinois or Tennessee and come here.
Q When did she come here? A 22 years ago.
Q Have you lived in the Cherokee Nation ever since you were first married in 1863? A Yes, sir. Except about three years I lived at Winfield, Montana, establishing my children.
Q What three years was that? A It has been, I left there a little over six years ago last Spring.
Q Did you vote up there? A Yes, sir, yes, I voted in Winfield.
Q Give us the names of your four children? A Simon Peter is the eldest.
Q How old is Simon Peter? A 18 years old the sixth of June.
Q What is the name of your next one? A Rachel.
Q How old is she? A She is nine years old the 9th of April.
Q What is the name of your next one? A Andrew.
Q How old is he? A Three years old, the 15th of last January.
Q Next child? A Benjamin.
Q How old is he? A He was a year old the 20th of December.
Q These children are all children of your present wife? A Yes, sir.
Q You spoke of one stepchild? A Yes, sir.
Q What is the name of that stepchild? A Burton E. Ely.
Q How old is he? A He will be 18 the 22nd of this month.
Q You say he is your stepchild? A Yes, sir.
Q Is he a child of your present wife by a former husband? A Yes, sir.

1880 enrollment, page 330, Delaware District, Henry F. Walker, Delaware.
Q How old is your present wife? A 32.
1896 enrollment, page 200, Cook, Lot Fourteen Blythe, Delaware.
Q These children are all living now, are they? A Yes, sir.

CROSS EXAMINATION: The applicant testifies for the enrollment of himself, his wife and four children and one stepchild. He is shown to have married his first wife in accordance with Cherokee law in 1863. She is identified as on the roll of 1880. He states that he lived with that wife for about twelve months and then separated. A divorce being prevented in both of them, but he is not able to give the date of this land a copy of the journal of divorce. He states that he married his present wife in 1877 and claims that she is a Cherokee woman but she cannot be identified on any roll, though he states that she has lived in the Cherokee Nation since prior to the date of the roll of 1880. It further appears that he has lived for

Elisha Margle--3.

years in the State of Kansas at the present marriage and there exercised the right of citizenship by voting as a citizen of Kansas. Both by reason of the exercise of citizenship in Kansas and by reason of the lack of identification of the applicant's present wife, as being in any way a Cherokee citizen, he is considered to have lost his rights as an intermarried citizen that he possessed by his first marriage, and his application for enrollment, at this time is rejected.

His present wife is not identified upon any roll and is not shown to have been admitted to Cherokee citizenship at any time and therefore this Commission is not considered to have any power or jurisdiction in her case whatever, and a memorandum to that effect will be made in her case. If the applicant desires this memorandum to be forwarded to the Secretary of the Interior, it will be done upon the receipt of a written request to that effect.

Of the four children of the present marriage, the first two are old enough to be upon the both the roll of 1894 and 1896. They are not identified upon either roll. None of the children possess any right, except that possessed by their mother and this Commission is not considered to have any jurisdiction over their application. A memorandum will be made to that effect, as in the case of their mother.

Now, the applicant's stepchild, Murten N. Ely, is stated to be a child of his present wife by a former husband. He is identified on the roll of 1896, but neither his father nor his mother can be identified upon any roll. For the further consideration, however, of any rights that may exist of this child through his father, whose name has not been fully looked up, at this time the applicant not possession definite information in regard to the father of this child, the application of Murten N. Ely, will be placed upon a doubtful card.

---oo0oo---

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.

J O Rossen

Subscribed and sworn to before me this 10th day of October, 1903.

C H Merrier
Comr.

D 559

THE INTERIOR
THE FIVE CIVILIZED TRIBES.
FILED
NOV 27 1900

"B"

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, I.T., NOV. 20th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF Burton N. Rly, CHEROKEE DOCKET NO. CARD "D" 4222:
Solon Jones appearing before the Commission and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:-
Q What is your name? A Solon Jones.
Q What is your age? A Fifty eight.
Q What is your Postoffice address? A Fairland.
Q Are you acquainted with Burton N. Rly? A Yes sir.
Q How long have you known him? A Ever since he has been in existence.
Q How long has that been? A About fourteen years.
Q Did you know his father? A Yes sir.
Q Did you know his mother? A Yes sir.
Q How long did you know Napoleon Rly? A All his life.
Q When did he die? A About ten or eleven years ago: I can not say positive.
Q Was he a recognized citizen of the Cherokee Nation?
A Yes sir: He was a nephew of Jim Rly's.
Q Did you know his wife, Nancy Hargis? A Yes sir
Q She is a white woman? A Yes sir.
Q Do you know that she and Napoleon Rly were ever legally married?
A I did not see them married: I suppose they was married: They claimed they was.
Q Do you know whether or not the name of Napoleon N. Rly appears upon the authenticated roll of 1880? A I think it does.
Q What district was he living in twenty years ago? A Delaware.
Q Did you ever know another Napoleon Rly? A Yes sir.
Q He was a Cherokee citizen? A Yes sir.
Q Was he related to ~~the father~~ Napoleon Rly, the father of this Burton N. Rly? A Yes sir.
Q How were they related? A Cousins: Brother's children.

By Mr. Gale Starr, Cherokee Representative:
Q How long has he been dead? A About ten or eleven years: I can not say for sure.

By the Commission:
Q How old a man would Napoleon Rly be now if he were living?
A I can not say exactly: He would be about thirty eight or forty years old.
(1880 Roll, Page 227, #412, Napoleon Blythe, Delaware D'st)

Q Do you know whether Napoleon Rly lived with his wife until his death? A Yes sir.
Q They never were divorced, were they? A No sir.
Q Do you know of your own personal knowledge that they lived together as man and wife until Rly died? A Yes sir.
Q They never separated? A Not that I know of.

By Mr. Gale Starr, Cherokee Representative:
Q Do you know whether they were married or not? A No sir: I never seen them married: They claimed they were married and lived together as man and wife.

By the Commission:
Q How long did they live together as man and wife? A Six or eight years: Somewhere along there.
Q Did they live in your neighborhood? A Yes sir.

"R"

D 559

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Burton N. Ely, for the enrollment of himself as a citizen of the Cherokee Nation:

The applicant's guardian, Elisha Hargis, was notified by registered letter on February 12, 1902, that the application of Burton N. Ely for enrollment as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that he could, on said day, appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application.

The said Elisha Hargis has this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

1

Cherokee D 339

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burton N. Blythe as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

—ooo—

The record in this case shows that on October 10, 1900, Elisha Hargis appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment, among others, of Burton N. Blythe, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, on November 20, 1900. The other parties to the application are differently classified and are not embraced in this decision.

The evidence in this case shows that Burton N. Blythe is the son of Napoleon Blythe, a Cherokee by blood, who is identified on the Cherokee authenticated tribal roll of 1880, and Elia Blythe, now Elia Hargis, a white woman, who were lawfully married on July 5, 1881. Burton N. Blythe is identified on the Cherokee Census roll of 1896.

The evidence further shows that Napoleon Blythe and Elia Blythe, now Elia Hargis, lived together in the Cherokee Nation until the death of Napoleon Blythe, and that since his death Elia Hargis, and her present husband, Elisha Hargis, have lived in the Cherokee Nation except a period of about three years, from about the year 1891 to the year 1894, during which period they were sending their children to school in Kansas. It is considered from the evidence that Burton N. Blythe has lived in the Cherokee Nation ever since his birth except, possibly, the period during which his mother and his step-father, Elisha Hargis, were in Kansas.

It is, therefore, the opinion of this Commission that Burton N. Blythe should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC - 1 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 559.

Muskogee, Indian Territory, December 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Elisha Hargis for the enrollment of Burton N. Blythe as a citizen by blood of the Cherokee Nation.

You are 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,

Acting Chairman.

Enclosure H. No. 19.

IN THE MATTER OF THE APPLICATION OF

Burton N. Bly

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 20 1902

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/10/

B Memo of application of 10/1

C Supplementary testimony of 11/

D Notice of final consideration, 3/1/02

Copy of testimony

Cancelled January 13, 1903

and transferred to Chr

No. 9981

See Cherokee Jacket No. 248

Cher D 560

0560

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
BARTLESVILLE, I.T. OCTOBER 10th, 1900.

IN THE MATTER OF THE APPLICATION OF William H. Edwards for the enrollment of himself, his wife and child as a citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breidenbridge, testified as follows:

Q What is your name? A William H. Edwards.
Q How old are you? A Fifty nine.
Q What is your Postoffice? A Collinsville.
Q In what District do you live? A Cooweescoowee.
Q Do you apply for yourself and family for enrollment? A Yes sir.
Q Wife? A Yes sir.
Q How many children? A One.
Q Are you a Cherokee by blood? A No sir; by marriage.
Q Is your wife a Cherokee? A Yes sir.
Q When were you married? A April, 1888.
Q To whom were you married? A Susan H. Phillips, the widow of Doctor Phillips.
Q What is the name of her father? A Cornwell: I do not know his given name.
Q He is dead, is he? A Yes sir.
Q Give me the name of her mother? A Mary Lemon now.
Q She is living? A Yes sir.
Q Was your wifes husband, Phillips dead when you married her?
A Yes sir.
Q Has she ever been married before? A No sir.
Q Were you ever married except to your present wife? A Yes sir.
Q Was your former wife dead when you married your wife?
A Yes sir.
Q You were married twice previous to your present marriage?
A Yes sir.
Q Both of your former wives were dead when you married your present wife? A Yes sir.
Q Have you and your wife lived in the Cherokee Nation since you were married in 1888? A Yes sir., except a part of the time in Caney, schooling the children.
Q How old is your wife? A Thirty eight I believe.
Q Was she a Phillips on the roll of 1880? A I think so.
Q Is she a native of the Cherokee Nation? A Yes sir.
Q Has she lived here all her life? A Yes sir.
Q Except a little time you were in Caney? A Yes sir.
Q When did you go to Caney? A Six years ago.
Q How long did you stay there? A The first time; nearly a year; then we came back to the Nation again, and moved again to Caney when school commenced, and stayed a year, and came back, and then went up the third time: Stayed just during school time, and then moved back.
Q Did you ever vote up there? A I did in a bond election?
Q What is that? A Railroad bonds.
Q You did not vote in any state matter except that business matter
A No sir.
Q Never voted for any candidate for office? A No sir.
Q Did you ever vote out of the Cherokee Nation? A No sir, except that time.
Q Did you have your interests back here in the Cherokee Nation all the time? A Yes sir.
Q Did you go into any business there in Caney? A No sir.
Q How far were you from the Cherokee Nation? A About three quarters of a mile.
Q What is your business? A I had stock in the Territory.
Q You came back and looked after your business here? A Yes sir.
Q You always claimed and held your citizenship in the Cherokee Nation? A Yes sir.

Q What is the name of your child? A Etta Phillips.
Q How old is she? A Eighteen.
Q She is living now, is she? A Yes sir.
Q Were you married to your wife in accordance with Cherokee law? A Yes sir.
Q You got a Cherokee license, did you? A Yes sir.

(1880 Roll, Page 188, #2204, Sudie Phillips, Cooweescoowee Dist)
(1896 Roll, Page 161, #4609, Sudie Phillips, Cooweescoowee D(.t)
(1896 Roll, Page 202, #538, William S. Edwards, Cooweescoowee District)
(1896 Roll, Page 231, #5724, Ettie Phillips, Cooweescoowee Dist)

Q She is your step daughter? A Yes sir.
Q Which is right, Ettie, or Etta? A Etta I always spelled it.
Q Is she married? A No sir.

The applicant applies for the enrollment of himself, his wife and her step child. His wife is identified on the rolls of 1880 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life, and will be listed now for enrollment as a Cherokee by blood.

His step child, Etta Phillips is identified on the roll of 1896; She is the child of his wife by a former husband: She ~~xxx xxxxx~~ is living at this time, and will be listed for enrollment at this time as a Cherokee by blood.

The applicant states that he was married to his wife in 1896, in accordance with Cherokee law, but he is not able to produce a marriage license or certificate at this time. His application for his own enrollment will be placed upon a doubtful card, to await the production of his Cherokee license and certificate.

He states that he has lived with his wife in the Cherokee Nation ever since their marriage, and he is identified ~~xx xxx~~ under ~~xx~~ ~~xxx~~ ~~xx~~ with her on the roll of 1896.

---

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

R R Graves

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

C H Merrill

COMMISSIONER.

"R"

D 560

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of William S. Edwards for the enrollment of himself as a citizen of the Cherokee Nation:

Appearances:
N. A. Gibson, Muskogee, I. T., for applicant;
W. W. Hastings, for the Cherokee Nation.

The Commission: The applicant was notified by registered letter on February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st day of March, 1902, is present in person and by his attorney N. A. Gibson, of Muskogee, Indian Territory.

Mr. Gibson: The applicant offers in support of his petition for enrollment, a certified copy of the records of the Cherokee Court for Goweseeowee District of the Cherokee Nation, showing the issuance of a marriage license to him to marry Mrs. Doc Phillips, a citizen of the Cherokee Nation, who is his present wife; and also a certificate from J. E. Campbell, dated April 9, 1901, showing that he as Clerk of Goweseeowee District, performed the marriage ceremony between the petitioner William S. Edwards and Mrs. Doctor Phillips during the months of May, 1887, in accordance with the laws of the Cherokee Nation

The Commission: Said documents have been made a part of the record in this case.

The Commission: The attorney for the applicant and the representative of the Cherokee Nation present, submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

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E. B. 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. B. Bagwell

Subscribed and sworn to before me this ~~February~~ March 3, 1902.

Commissioner.

Cherokee B 560

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

In the matter of the application of William S. Edwards for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this Case shows that on October 10, 1900, William S. Edwards appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said William S. Edwards was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, in May, 1887, to one Mrs. Doctor Phillips, a citizen by blood of the Cherokee Nation. The said William S. Edwards is identified on the Cherokee Census Roll of 1896 and has resided in the Cherokee Nation continuously up to and including the date of this application since 1886, with the exception of a part of three school years, when he was absent in Caney, Kansas.

It is, therefore, the opinion of this Commission that William S. Edwards should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 28, 1898, (30Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this Al[illegible]

Q Do you remember what year it was you first went to Gorley-
ville ? A It was in 1894; 1893 and 1894. Or 1894 and 1895.
Q Since then you have never been out of the Territory ?
A No sir.
Q To live ? A No sir. I only lived partly up there then.
Q You were just there during the fall and winter months to school
the children ? A Yes sir.
Q Did you return to the Nation in the summer and take up your
residence ? A Yes sir.
Q You have never been out since ? A No sir.

---

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

Subscribed and sworn to before me this October 21, 1907.

Notary Public.

0250

Cher D 560.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of WILLIAM S. EDWARDS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

WILLIAM S. EDWARDS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A William S. Edwards.
Q What is your age at this time ? A Sixty two.
Q What is your post office ? A Collinsville.
Q Are you the same William S. Edwards that applied to the Commission for enrollment as an intermarried citizen of the Cherokee Nation in October, 1900 ? A Yes sir.
Q What is your wife's name ? A Susan M.
Q Is she living ? A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you married to your wife Susan M ?
A In the spring of 1886.
Q Were you married under a Cherokee license ? A Yes sir.
Q Have you filed that license with the Commission ?
A Yes sir.
Q Had you ever been married prior to your marriage to your wife Susan M ? A Yes sir.
Q How many times had you been married before ? A Twice.
Q She is your third wife ? A Yes sir.
Q What was the name of the first wife ? A Polly Sodden.
Q Was she dead when you married again ? A Yes sir.
Q What was the name of the second wife ? A Angie Hackard
Q Was she a white woman or a Cherokee ? A A white woman.
Q Was she living or dead when you married Susan M ?
A She was dead.
Q Had Susan M. ever been married prior to her marriage to you ?
A Yes sir.
Q How many times ? A Once.
Q Was her husband a Cherokee or a white man ?
A He was a white man.
Q Was he living or dead when you married her ?
A He was dead.
Q You are Susan M's second husband ? A Yes sir.
Q What was the name of her first husband ? A Dr. Phillips.
Q Have you and your wife Susan M., been living together continuously from the time you were married up to the present time ?
A Yes sir. All but two months.
Q Were you separated for two months ? A Yes sir.
Q When was that Mr. Edwards ? A About five years ago.
Q After a separation of two months did you go to live together again as man and wife ? A Yes sir.
Q From that time on you have lived together as man and wife ?
A Yes sir.
Q Were you living together as man and wife on September 1, 1902 ?
A Yes sir.
Q You never have been married to any other woman since your marriage to Susan M ? A No sir.
Q How long have you lived in the Cherokee Nation ?
A Sixteen years.
Q All the time for the last sixteen years ?
A All except two years I went to Coffeyville to school my children
Q What years was that ? A Six or seven years ago.

Cont'd [illegible]

[illegible]

Q. Do you remember what year [illegible] you first met [illegible]
[illegible]? A. [illegible] in 1894, [illegible] 1895 [illegible] time.
Q. [illegible] there you have never been [illegible] of the Territory?
A. No sir.
Q. No [illegible]? A. No sir. I only lived [illegible] three years.
[illegible] the children [illegible] the [illegible] of [illegible] to [illegible]
Q. Did you [illegible] to the [illegible] in the answer and state to your
recollection? A. Yes sir.
Q. You have never been [illegible]? A. No sir.

---

I, E. B. Cagwell, on oath state that I am stenographer to the Commission to the Five Civilized Tribes, and correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of my stenographic notes thereof.

E B Cagwell

Subscribed and sworn to before me this October 21, 1902

P B Jones
Notary Public.

250

N-199

Cherokee D-560.

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

In the matter of the application of William S. Edwards for enrollment as a citizen by intermarriage of the Cherokee Nation.

## D E C I S I O N.

The record in this case shows that on October 10, 1900, William S. Edwards appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902, and on October 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said William S. Edwards was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, in May, 1887, to one Mrs. Doctor Phillips, a citizen by blood of the Cherokee Nation. The said William S. Edwards is identified on the Cherokee Census Roll of 1896 and has resided with his said wife in the Cherokee Nation continuously since 1886 up to and including September 1, 1902, with the exception of a part of three school years, when he was absent in Caney, Kansas.

It is, therefore, the opinion of this Commission that William S. Edwards should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

JCA

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 2nd 1902.

In the matter of the application of William S Edwards for enrollment as a citizen of the Cherokee Nation by intermarriage.

Cherokee D 360.

Motion to Re-open case.

Comes now the Cherokee Nation and moves the Commission to set aside the judgment heretofore rendered by the Commission in the case of William S. Edwards an applicant for enrollment as a citizen of the Cherokee Nation by intermarriage and that the case be reopened and set down for a further hearing in order that the Cherokee Nation may be afforded an opportunity of introducing further testimony as to the residence of the applicant in the State of Kansas.

The Cherokee Nation expects to prove by the records of the election held in Caney, Kansas in the year 1898 that the said William S. Edwards exercised the right of suffrage in the state of Kansas in the year 1898.

The Cherokee Nation ~~expects~~ expects to prove by Sidney E. Bell, Edward Frenchman and other witnesses that the said William S Edwards was a resident of the state of Kansas and a citizen thereof on the 28th day of June 1898 and that he had not therefore removed to and in good faith settled in the Cherokee Nation prior to the passage of the Curtis Bill but had in fact taken up his residence in the state of Kansas prior there to where he exercised the right of suffrage and was to all intents and purposes a citizen of the State of Kansas in the year 1898.

This motion is not made for the purposes of delay but in order that justice might be done.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation. JCA

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT CASE NUMBER D- 860.

| | |
|---|---|
| In the matter of the application of William S. Edwards, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. | MOTION TO RE-OPEN CAUSE. |

STATEMENT OF RECORDS.

The record in this case shows that on October 10, 1900, at Bartlesville, Indian Territory, William S. Edwards appeared before the Commission to the Five Civilized Tribes and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1, 1902 and October 13, 1902.

On November 20, 1902, the Commission rendered a decision, granting the application of the said William S. Edwards, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

On December 2, 1902, the Cherokee Nation by its representative filed a motion to re-open cause, alleging that he expected to prove by Sydney K. Bell, Edward Frenchman and other witnesses, that the said William S. Edwards was a resident of the State of Kansas and a citizen thereof on June 28, 1898, and that he had not removed to and in good faith settled in the Cherokee Nation prior to that time. He further alleges that he expects to prove by the records of the election held at Caney, Kansas, in 1898, that the said William S. Edwards exercised the right of suffrage in the said state in the year 1898.

ORDER.

It is, therefore ordered by the Commission that the motion to re-open this cause be, and the same is hereby allowed, and t hat the decision of the Commission heretofore rendered be set aside and held for naught.

[illegible]

(SIGNED) Tams Bixby
[illegible]

(SIGNED) T. B. Needles
[illegible]

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this 16 day of December, 1898.

D560



Boston Office.

Boston, February 10, 1902.

Superintendent and agent to pay to order of Boston Daily Globe, Dr.

To Cash paid for telegram to Commissioner of State Police, Springfield, Mass. Feb. 10, 1902.

Dear Sir: I have received notice of the testimony on the part of the Commissioner of State Police, and my counsel, Mr. Bennett, and myself, have decided to make no further statement in the matter.

Very truly yours,

Frederick W. Mott.

---

Mr. Mott: Yes, sir.

Q. Do you know Mr. Bennett, a stenographer, in the employ of the Globe?

A. No, sir.

Q. Did you ever see him and his wife, Mrs. Bennett, at your house?

A. Yes, sir.

Q. When was the first time?

A. The last time I saw them was in 1897 or 1898.

Q. Did you ever see him at your house?

A. Yes, sir.

Q. When was the last time you saw him?

A. Mr. Mott: I cannot tell the exact time.

Cher
D 560

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., January 6, 1903.

In the matter of the application of WILLIAM S. EDWARDS, for the enrollment of himself as a citizen by intermarriage, of the Cherokee Nation:

Appearances:
James S. Davenport, of Vinita, for applicant
J. C. Starr, for the Cherokee Nation.

S. N. BELL, being duly sworn and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A S. N. Bell.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q How old are you ? A I am forty.
Q What is your post office address ? A Caney, Kansas.

Examined by J. C. Starr:

Q Are you acquainted with William S. Edwards, the applicant ?
A Yes sir.
Q How long have you known him ? A About seven years.
Q When did you first become acquainted with him ?
A It was 1895 I think, the latter part of 1895 I believe.
Q Where was Mr. Edwards living when you first knew him ?
A Well, when I first got acquainted with him I was just up in that country looking around, I don't know whether he was living in Caney at that time or not, that was in the summer of 1895.
Q When did you move to Caney ? A I moved to Caney, in December, 1895.
Q Was Mr. Edwards living in Caney then ? A I think he was.
Q How long did he continue to live there ?
A Well, I can't say as to that; I think he moved back the next fall, or possibly in the summer, I aint sure.
Q Do you know of his living in Caney any more after that ?
A Yes sir, I think he moved back once or twice and stayed a little while, then he would go back on the farm.
Q Do you know of his voting in Caney ? A Why I don't know; I understood that he voted there in the bond election.

Examined by Mr. Davenport:

Q Do you know anything about how long he lived there at any time when he was there in Caney ? A No sir, I can't say.
Q Do you know where his property was; where he was working at that time ? A Yes sir I understood--I think most of the time he was in the Territory.
Q When you spoke of him moving, where did he go to ?
A He went about seven or eight miles south into the Territory.
Q In the Cherokee Nation ? A Yes sir.
Q You don't know how long he stayed in Caney ?
A No sir, I can't say.
Q You don't know whether he had any household effects when he lived up there, do you ? A I can't say as to that.
Q All you know about it is that he lived up there sometime, and then moved back ? A Yes sir, I know he moved back and forth two or three years.
Q How long has it been since he lived in Caney ?

A I can't say, I think it must have been 1900, possibly 1899; well I don't know about that either, I can't say. I would judge, however, either one.
Q Do you know whether he lived in Caney or in Collinsville ?
A Well, he was one of the early settlers.

Examined by the Commission:

Q How much of the time from 1895 to 1899 did he live there ?
A I can't say; he was living there the year I went there in the fall of 1895; I don't know when he moved back.
Q Was his family there with him ? A Yes sir.
Q How far is Caney from the Cherokee line ? A Just a half mile.
Q Did Mr. Edwards have any business up in Caney ? A No sir.
Q Do you know of your own knowledge why he lived there ?
A Why I think it was for the benefit of the schools; there was no schools down there in the Territory.
Q Does he have a farm in the Cherokee Nation ? A Yes sir.
Q Does he own a house up in Caney ? A I think he owned a piece of property there.

Examined by J. C. Starr:

Q Did they have free schools in Caney ? A Yes sir.
Q Who did they allow to attend these schools ?
A Anybody that lives within schooling distance.
Q Does a person have to be a resident of Kansas to attend these schools ? A No sir, they sent them from across the line.

Examined by the Commission:

Q You are living up there to send your children to school ?
A Yes sir.

---

ED FRANKLIN, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Ed Franklin.
Q How old are you ? A Thirty two.
Q What is your post office address ? A Caney, Kansas.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.

Examined by J. C. Starr:

Q Do you know William S. Edwards, the applicant ? A Yes sir.
Q How long have you known him ? A Well, I can't say just exactly, but it is eight or nine years I expect.
Q Do you know of his living in Caney, Kansas ?
A Well, I can't say for sure whether he was or not, but I have seen him there quite often. I can't say whether he was living in Caney at the time.
Q Did you ever stay all night at his house in Caney, Kansas ?
A Yes sir.
Q He was living there then wasn't he ? A Yes sir.
Q When was that ? A I can't say for sure, but I think it was sometime along in June, 1898.
Q About the time the Curtis Bill passed ? A I think so; somewhere along there.

Examined by James S. Davenport:

Q Do you know where he has been living since you have known him; has he been living in Caney all the time, or not ?
A No, not all the time.
Q Do you know where his farm is ? A Yes sir.
Q Where is it ? A Why it is about eight or nine miles from Caney, south.
Q In what country ? A In the Cherokee Nation.
Q Do you know whether he worked it, had it cultivated each year ?
A No, I can't say that. All I know is that he owned these farms. I can't say whether he had it farmed or farmed it himself.
Q Do you know whether he looked after it during the farming season ? A No sir, I can't say.
Q Do you know anything about how long he continued to reside in Caney when you were there to stay all night ?
A No sir, I can't say.
Q Do you know whether he moved all his household goods up there, or was just there temporarily ? A No sir, I don't.
Q You don't know anything except you were there at that time ?
A No sir.

Examined by the Commission:

Q What was he doing up in Caney, Kansas ? A I can't say.
Q All you know about it is you stayed there one night when he was in Caney ? A Yes sir.
Q Don't know whether he stayed there a year or a month ?
A I can't say.

--The Cherokee Nation offers in evidence, a certificate of the City Clerk, of Caney, Kansas, showing that the ~~applicating~~ applicant voted in Caney, Kansas, in the year 1898.

---

WILLIAM S. EDWARDS, being duly sworn, and examined, testified as follows:

Examined by the Commission:

Q Your name is William S. Edwards ? A Yes sir.
Q You are a white man ? A Yes sir.
Q You are an applicant to be enrolled as a citizen by intermarriage ? A Yes sir.
Q What is the name of your wife ? A Susan M. Edwards.
Q What was her maiden name ? A Susan M. Phillips, when I married her, she had been married before.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you married to her ? A Well you have got me now, I forget the year.
Q Did you prove up your marriage when you made application ?
A Yes sir.
Q Filed your marriage license and certificate ? A Yes sir.
Q Was that your first wife ? A No sir, she was my third wife.
Q Your first Cherokee wife ? A Yes sir.
Q You two former wives were dead ? A Yes sir.
Q Had she ever been married before she ~~k~~ married you ?
A Yes sir.
Q How many times ? A Once.
Q Was her former husband dead when you married her ?
A Yes sir.
Q Have you lived together ever since you were married ? A Yes sir.

Q Never separated ? A We separated for about two months.
Q How long ago ? A Four years ago.
Q Have you been living together ever since ? A Yes sir.
Q You were living together on the first day of last September ?
A Yes sir.
Q Where have you been living since you were married ?
A Living in the Cherokee Nation except in the winter months. We send the children to school. I kept my stock, and all, and stayed part of the time on the farm, and part of the time in Caney.
Q Where is your farm ? A About eight miles south of Caney.
Q How long ago was that ? A About seven years.
Q When did you move up to Caney ? A In the fall of 1895.
Q How many children did you have then ? A Two.
Q How old were they ? A They were about eight or nine years old.
Q Had they gone to school any before that in the Cherokee Nation ?
A Yes sir, they had, before that.
Q Why did you go to Caney ? A Well, I went to Tahlequah to get a national school established, and built a school house, and we couldn't keep the average Cherokee scholars the Cherokee law required, and they took it away from us; then we had no school close to go to.
Q When was that ? A In 1894 and '95. I think it was in 1896 that I moved to Caney, it might have been 1895.
Q How long did you live in Caney ? A Just lived there during that winter season, and then come back to the farm.
Q Did you own property up there ? A Yes sir, I did.
Q Bought a house ? A Yes sir, bought a house and some lots.
Q When you moved up there did you take your household furniture with you ? A Part of it.
Q What did you do with the rest ? A Left it on the farm.
Q What did you do with the farm ? A Put my son-in-law on it.
Q Rented it to him ? A No sir.
Q He rented it for you ? A Yes sir.
Q How many years did you continue to do that ? A Four years.
Q That would take you up to about 1900 ? A To about 1899.
Q How old are the girls now ? A One is eighteen and one is twenty.
Q You gave them all the schooling they are going to get ?
A Yes sir.
Q How many terms did they attend school at Caney ?
A About six years; I boarded them two years though. We only lived there about four years; that is four school terms.
Q Did you have any business up there ? A Not a particle.
Q Have you any interests at all in Kansas ?
A Nothing except that property.
Q What did you buy that property for ? A To live in.
Q That's all ? A Yes sir, I sold it soon as--

Examined by Mr. Davenport:

Q What about voting ? A Well sir, I will tell you all about that.
Q You did vote there ? A Yes sir.
Q What year was that ? A That was four years ago I guess.
Q The bond election ? A The bond election; railroad bonds.
Q How did you come to vote at that election ? Did you think you had a right ? A I was paying taxes.
Q Paying on what ? A My real property.
Q Pay any poll tax ? A No sir.
Q Did you ever sit on a jury up there in Kansas ? A No sir.
Q You didn't consider Kansas your home at all ? A No sir.

Q But you were informed that you had a right to vote because you paid taxes ? A Yes sir.
Q Did you ever vote in the Cherokee Nation during these years ?
A Yes sir.
Q Ever challenged ? A No sir.

Examined by J. C. Starr:

Q When you voted in this bond election, were you sworn ?
A Yes sir.
Q What was the nature of the oath ? A They asked me if I considered Caney my residence, and if I was a tax payer. I told them my family was living there, and had been for the last six months past; I was there sometimes, and sometimes on the farm, and that I was a tax payer.
Q You considered you had a right to vote ? A They decided that. They decided that wherexx my washing was done I could vote.
Q Who ? A The judges. I told them I was down in the Territory the most of the time., my family was living here. They asked me the question where my washing was done, and I said it was done down here.
Q Did you and your wife separate while you were living in Caney ?
A Yes sir.
Q Did you sue her for divorce in the court at Independence, Kansas ? A Yes sir.

Examined by the Commission:

Q As a citizen of Kansas ? A Yes sir.
Q Was the suit tried ? A No sir. They threw it out for want of jurisdiction.
Q How did you come to be sworn at the election, was your vote challanged ? A Yes sir.
Q You insisted on voting ? A Yes sir; the attorneys all said I had a right to vote because I was a tax payer.
Q That is the only election you ever voted at ? A Yes sir, only just that bond election.
Q You say the suit was dismissed for want of jurisdiction ?
A Yes sir. They said I wasn't a resident of the State of Kansas, and threw the suit out.
Q Did you resist that at all ? A No sir, I told my lawyer when he brought the suit that was the proper place to bring it, that I thought it ought to be brought in the Cherokee Nation.
Q You have lived in the Cherokee Nation ever since 1899, have you ?
A Yes sir.
Q You attended to your farm all the time you were living up in Caney ? A Yes sir.

Examined by Mr. Davenport:

Q While you were living up there, Mr. Edwards, how often were you back and forth to the farm ? A Every day unless I had business off somewhere.
Q Then you looked after your stock regularly ?
A Yes sir, I done all the herding. I done all my own herding.

Examined by the Commission:

Q How far is Caney from the Cherokee line ?
A About a half a mile.

---

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state, that the foregoing is an accurate transcript of my notes of the testimony and proceedings had in the above entitled cause, as the same were taken by Jesse O. Carr, stenographer, and by him read to me.

E. C. Bagwell

Subscribed and sworn to before me this February 6, 1903.

Samuel Foreman
Notary Public.

D560

ACTING CHAIRMAN

FILED

COMMISSION

NORTH ATLANTIC

Operating the Northern Pipeline

Washington, D. C.

Hon. Alfred Baldwin,
Chairman,
Interstate Commerce Commission,
Washington, D. C.

Dear Sir:

Referring to the hearing on the Alaska Northern Pipeline, I wish to say that I am in favor of the proposed Alaska Northern Pipeline, and I hope that the Commission will grant the necessary permit to the Alaska Northern Pipeline Company.

I am a citizen of the State of Alaska, and I have been a resident of Alaska since 1889.

I have been in the Alaska Northern Pipeline Company for the last five years, and I have been in the Alaska Northern Pipeline Company since 1889.

I am a citizen of the State of Alaska, and I have been a resident of Alaska since 1889.

Yours very truly,

Alfred Baldwin

Alfred Baldwin

To the Commission:

Yes sir.

Cher
D-560

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., January 10, 1903.

In the matter of the application of WILLIAM S. EDWARDS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation ?

Appearances:
James S. Davenport, of Vinita, I. T., for applicant;
J. C. Starr, for the Cherokee Nation.

Now, on this day, comes J. C. Starr, representative of the Cherokee Nation, and offers to introduce testimony on behalf of the Cherokee Nation. James S. Davenport, attorney for the applicant, waives service on the applicant, and consents that the testimony may be introduced.

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

Examined by the Commission:

Q What is your name ? A John H. Coody.
Q How old are you ? A Forty seven years old.
Q What is your post office address ? A Nowata, I. T.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q A Cherokee by blood, are you ? A Yes sir.

Examined by J. C. Starr:

Q Are you acquainted with William S. Edwards, the applicant ?
A Yes sir.
Q How long have you known him ? A I can't say just how long, but a number of years. I have known him some eight or ten years.
Q Where has he been living during the last eight or ten years since you have been knowing him ? A He has been living in Caney, Kansas, for a number of years; been there ever since I have known him.
Q When did you first know him in Caney, Kansas ?
A The first time, I think, was in 1896.
Q Where was he in 1897 ? A Living in Caney.
Q Was he living there in 1898 ? A Yes sir.

Examined by Mr. Davenport:

Q Mr. Coody, have you any recollection as to what year it was you first knew of his living in Caney, Kansas ?
A No, he was living there sometime before ever I was at his place.
Q Do you know that of your own knowledge, or of general rumor ?
A I know it of my own knowledge. He married his wife on old Cotton Creek.
Q Did you know of his living in the Cherokee Nation before living in Caney ? A He lived below with his wife, she was a Dr. Phillips' wife.
Q Do you know when they were married ? A Sometime in 1880.
Q The next you knew of his residence was about 1896 ? A Yes sir.
Q How far is Caney from the Cherokee line ?
A Oh, just a short distance, I can't say.
Q About half a mile isn't it ? A About half a mile; somewhere like that.

Q Did he work his farm in the Cherokee Nation ?
A He done business at both places, he had a farm in Kansas, and had a place in the Cherokee Nation.
Q Do you know of your own knowledge that he owned a farm in Kansas ? A No sir. I wouldn't swear that, because he never told me.
Q Do you know of your own knowledge of his making a farm and improvements in the Cherokee Nation ? A And his wife, yes sir. She had a large place when he married her.
Q Where has he been living within the last three or four years ?
Q Well, I can't say just how long he has lived at Collinsville; I don't know.
Q During the time he lived in Caney, Kansas, do you know whether he had the farm rented, or run it for himself, looked after it ?
A Oh certainly he looked after the farm, he had it rented.
Q Do you know whether he had any cattle that he looked after himself ? A No sir, I don't know that myself; there was cattle there on the place, I don't know whether they were his or the renter's.
Q Do you know whether he went back and forth to the farm and stayed there himself a greater part of the time ? A No, he lived in Caney.
Q I will ask you, if he didn't stay there and look after the stuff ? A No sir.
Q Can you state positively that Mr. Edwards didn't go back weekly ?
A No, I can't say that.
Q In fact you didn't pay any attention; didn't know what time he stayed in the Territory ?
A I know Caney has been his home a good deal.
Q Are you able to state that his family remained there all the year around, or lived part of the time on the farm ?
A To the best of my knowledge they lived continuously at Caney from the time they moved off the farm down on Cotton Creek to Caney. Of course I wasn't up in that country all the time.
Q Did they live on the farm part of the year, and in Caney part of the year ? A Not as I know. Every time I seen them they were in Caney.
Q Will you state to the Commission that they didn't live on the farm part of the year ? A No sir, I won't.
Q You live how far from where their farm was in the Cherokee Nation ? A I expect between twenty and twenty five miles.

Examined by the Commission:

Q How often were you at their place in Caney, Kansas ?
A Oh, I wasn't there very often, every time I was in Caney I would go around there. The last time I was there him and his wife had separated. They got together again.
Q That was in 1897 ? A I suppose.
Q The last time you were at his house ? A The last time I was at his house, yes sir.

By Mr. Davenport:

Q He always took part in the elections in the Cherokee Nation ?
A I never knew of him attending an election in my life.
Q You weren't in the Joe Parker precinct around Bartlesville ?
A I never attended elections there. I was there in 1895.

By Mr. Starr:

Q From 1895 up to two years ago Mr. Edwards has been a resident of the State of Kansas ? A To the best of my knowledge he has, yes sir. Since, he moved to Collinsville.

By the Commission.

Q You never living there ? A Yes sir.

By Mr. Davenport:

Q The last time you heard of him living there was in 1897 ?
A Yes, that's the last time I was in his house. The last time I saw of his house they were separated, him and his wife, I don't know whether it was in 1897 or 1898.

---

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify, that the foregoing is an accurate transcript of the stenographic notes of the testimony and proceedings had in the above entitled cause, as the same were reported by Jesse S. Barr, stenographer, and my bill read to me.

E. C. Bagwell

Subscribed and sworn to before me this February 10, 1903.

Samuel Foreman
Notary Public.

D 28

C.R. 560

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

FILED
APR 1903

Chairman.

Secretary.

Commissioner.

Dawes.

Tate.

Clifton.

Kelsey.

Shoenfelt.

Motion to adopt the report of the majority of the committee was duly seconded and carried.

Motion to adopt the report of the minority of the committee was duly seconded and carried.

Motion to adopt the report of the committee as a whole was duly seconded and carried.

Motion to adjourn was duly seconded and carried.

Adjourned.

Secretary.

Chairman.

Dawes.

Tate.

Clifton.

Kelsey.

Shoenfelt.

Motion to adopt the report of the majority of the committee was duly seconded and carried.

Motion to adopt the report of the minority of the committee was duly seconded and carried.

Motion to adopt the report of the committee as a whole was duly seconded and carried.

Motion to adjourn was duly seconded and carried.

Adjourned.

Secretary.

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 27th, 1903.

---

In the matter of the application of William S. Edwards for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to Cherokee D-560.

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Appearances:

James S. Davenport for Applicant.
J. C. Starr for Cherokee Nation.

---

William Childers, being duly sworn, testified as follows:

Examination by Mr. Davenport.

Q. What is your name? A. William Childers.
Q. Where do you live? A. I live in Coweesoocowee.
Q. What is your post office? A. Tyro.
Q. How long have you lived in Coweesoocowee? A. I only lived there about a year and a half.
Q. Where did you live prior to that? A. Down in Illinois.
Q. Do you know William S. Edwards? A. Yes, sir.
Q. How long have you known him? A. Ever since '97.
Q. Where was he living? A. I was out at his farm about 5 miles south of Tyro.
Q. That was in 1897? A. Yes, sir.
Q. Did you have any dealings with him? A. Iwas up there and bought a place of him.
Q. Did you have any dealings with him after that? A. Yes, I got a letter in '98, before harvest time.
Q. Where was he living at that time? A. He wrote me he was living at Collinsville. He wrote me at Caney to come down. He wrote me he was living at Collinsville.
Q. You say he was on the farm in 1897. What time of the year were you up there? A. I believe it was in July, the best I recollect.
Q. Do you know whether or not he was living there? A. I wasn't there right at his house; me and him were out on the farm. I bought the place from him.
Q. And after that he wrote you to come and collect the rent that he moved to Collinsville? A. I gave him power to rent the place and collect the rent. He wrote me to me before harvest that he moved to Collinsville and I had better come and collect the rent, he didn't have time to attend to it.
Q. Since 1898 do you know where he has lived? A. At Collinsville, I think, all the time. He has been there when I heard of him.

Examination by Mr. Starr.

Q. Did you see Mr. Edwards at any time during the year 1898?
A. No, sir; I don't think I did. I come up during harvest and collected the rent. After I collected the rent I went back.

Q. Did you see him at Caney? A. Mr. Edwards was at Collinsville. No, sir.

Q. How many times did you see him in 1897? A. Just the one time.

Q. You don't know where he was living in 1897? A. No, sir; I supposed he was living in the Territory. I asked for him at Caney; they said he was on the farm. I met him on the road and he said he was going to Caney. He said he would be back.

Q. How did you happen to write to Caney? A. That was his post office.

Q. From all you knew about it he might have lived there at Caney? A. He wrote me that he wanted to see me; his post office was at Collinsville. He was at work in the coal field.

Q. You don't know where his wife was in 1898? A. No, sir.

---

The case is continued to January 20th, by agreement of the parties.

---

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 11th day of April, 1903.

Samuel Foreman
Notary Public.

FILED
APR 1 1908
COMMISSION
CHAIRMAN

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 28th, 1903.

| | |
|---|---|
| In the matter of the application of William S. Edwards for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. | Supplemental to Cherokee D-560. |

Appearances:--

Applicant appears in person and by his attorney, James E. Davenport.
Cherokee Nation appears by J. C. Starr.

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Myrtle Dancer, being duly sworn, testified as follows:

Examination by Mr. Davenport.

Q. What is your name? A. Myrtle Dancer.
Q. Where do you live? A. Collinsville.
Q. How long have you lived at Collinsville? A. It will be three years ago the 9th of this coming October.
Q. Do you know William S. Edwards? A. Yes, sir.
Q. What relation is he to you? A. Step father.
Q. How long have you known Mr. Edwards? A. About, as near as I can remember---that is a hard question to answer.
Q. Where did you live before going to Collinsville?
A. I lived in the Nation.
Q. At what place? A. On Brushy creek.
Q. Did Mr. Edwards live in the Nation before going to Collinsville? A. Yes, sir; on Cotton creek, on the Phillips place.
Q. Did you ever live in Caney, Kansas? A. Yes, sir.
Q. How long did you live there? A. Well, about 4 years, I should judge. I am not positive about it.
Q. Where did Mr. Edwards live during that time? A. Well, he was in the Nation most of the time.
Q. What was he doing there at that time? A. Well, he was dealing in stock.
Q. What was the cause of your going to Caney, Mrs. Dancer?
A. For school purposes.
Q. Were you married at that time? A. No, sir.
Q. What was your age when you first went to Caney to live?
A. Well, we boarded there two years. I should judge about 13 years old.
Q. After you ceased to board did Mr. Edwards and your mother move there? A. My mother moved there and Mr. Edwards was there part of the time. Most of the time, though, he was in the Nation.
Q. When the school term would end, how about it? A. Well, we would go back to the Nation then.
Q. As I understand it you would go to Caney and live-----
A. During the school term.
Q. Then come back to the farm and stay until school again?
A. Yes, sir.

Q. Mr. Edwards and your mother bought a house in Caney?
A. Yes, sir.
Q. Do you know when Mr. Edwards moved to Collinsville?
A. Yes, sir; he moved there--I think it was '97 he moved there. I am not positive about that. I don't remember exactly.
Q. Well, about how long has he been living at Collinsville; about how many years has he been at Collinsville? A. About four years. Probably longer than that.
Q. Is his family up there with him? A. Yes, sir.
Q. When did you quit going to school at Caney, Mrs. Dancer?
A. Six years ago; when I was married.
Q. When did your mother and the other children quit living in Caney for school purposes? A. Well, I don't remember. I think that my sister went to school for more than one term after I did.
Q. While you were going to school during the winter did Mr. Edwards and his wife entirely move away from the home place?
A. No, sir; Mr. Edwards generally kept some one out there to do the work, to help him out.
Q. Well, do you know whether or not he kept stock and things of that kind, and looked after them? A. Oh, yes. He kept most of his stock there. We had a buggy and horse in town.
Q. Now, his household goods, did he keep them on the farm?
A. Yes, sir. I think there is one piece of it there yet.

Examination by Mr. Starr.

Q. When did Mrs. Edwards go to Caney, Kansas, to stay?
A. She went after we had gone to school there two terms. She went there to school us from that on until I was married, during the school months.
Q. Do you remember when you first went there? A. I don't remember exactly the year. I didn't think anything about that but I was about 13 or 14.
Q. After Mrs. Edwards commenced keeping house in Caney did she stay there continuously until she moved back to the Indian Territory? A. No, sir.
Q. How much of her time did she spend there? A. Well, during the school months she wasn't there a great deal. Of course she had to stay there to look after we children.
Q. During the vacation did she close the house and move back to the Territory? A. No, not altogether.
Q. How long did you stay in the Territory then? A. We stayed there until just before school commenced, if I remember right. We had two homes.
Q. You kept up two homes? A. Yes, sir; always had something there.
Q. How much of the time did Mr. Edwards spend in Kansas after your mother moved to Caney? A. Well, he just was a comer and goer. He wasn't there much. He was down in the Nation most of the time.
Q. How about on Sundays, where did he stay? A. I don't know. He very seldom come home on Sunday; generally through the week.
Q. Do you know when Mr. Edwards moved with his family into the Cherokee Nation? A. Well, I don't know much about that. I was married when that took place.

BY MR. DAVENPORT:
Q. When were you married, Mrs. Dancer? A. In '96.
Q. Where were you living at that time? A. In the Territory. I was married at home on the farm.

BY MR. STARR:

Q. They went to Caney after you were married? A. Well, I don't know.

Q. After that Mrs. Edwards kept house in Caney? A. I don't think she did. I know we had moved on the farm when I was married in '96.

Q. Had your mother moved to Caney before that? A. To school us girls?

Q. Yes. A. Yes, sir.

Q. How long did you live in Caney altogether? A. ,I don't hardly know. I wouldn't be positive about that.

Q. About how long? A. I don't remember just how long it was. I was just a little girl when we went there for schooling purposes.

BY MR. DAVENPORT:

Q. Just give us an idea of how many years you went to school there, Mrs. Dancer? A. About 6 years, I think.

Annie Phillips, being duly sworn, testified as follows:

Examination by Mr. Davenport.

Q. What is your name? A. Annie Phillips.

Q. Where are you living now? A. Collinsville.

Q. Do you know Mr. Edwards? A. Yes, sir.

Q. You are the same relation as Mrs. Dancer? A. Yes, sir.

Q. How olng have you been living at Collinsville? A. Since the town started.

Q. How long has that been? A. Growing on 4 years.

Q. Where was Mr. Edwards living prior to the time he moved to Collinsville, if you know? A. You mean just before?

Q. Yes. A. We were living in Caney just before we went to Collinsville.

Q. Well, who. You, your mother and Mr. Edwards? A. We were living there at Caney and on the farm.

Q. Where did Mr. Edwards live? A. Mostly on the farm.

Q. When you moved to Caney did you live there continuously?

A. No, sir. We were at the farm in the summer to see that things went all right on the farm. We went to school during the winter months.

Q. Where did Mr. Edwards work? A. Well, he didn't work. He was at the farm most of the time. He would come and stay perhaps a day or two; most of the time he was on the farm.

Q. You mean looked after the place out there? A. Yes, sir.

Q. During the stay in Caney what did he have by the way of stock? A. He was dealing in stock; he had most every kind.

Q. Who looked after it? A. The hired men.

Q. What did he do? A. Well, he looked after the hired men and they did the work.

Q. Where was he staying? A. On the farm.

Q. When did your mother first begin going to Caney? A. Well, we boarded the first term, when I was 11 years old, and it has been about 7 years since we first went to Caney.

Q. Now, have you resided in Collinsville continuously since the town started up and Mr. Edwards moved down there? A. Yes, sir.

Q. Do you know where Mr. Edwards lived in 1898? A. Yes, sir.

Q. Where was he living? A. We all lived on the farm on Cotton creek.

Q. Do you know whether or not that is the year he moved to

Collinsville? A. I think it was.

Examination by Mr. Starr:

Q. What time of year 1898 did you move back on the farm?
A. I don't remember.
Q. Do you remember the occasion of the bond election up in Caney? A. No, sir; I never paid any attention to any bond election.
Q. When your mother lived in Caney how much of the time would Mr. Edwards spend there? A. As I said, he was on the farm most of the time but he came up to see how we all were and my mother was there most of the time with we children.
Q. Was your mother most of the time in Caney? A. She would go to the farm part of the time; most of the time she was in Caney.
Q. How about Mr. Edwards. ~~Mr~~ A. He was on the farm. He would just come up to see how we were.
Q. Where did he stay when he was in the Nation? A. There on the home place.
Q. About how ~~often~~ during the month would he come to Caney?
A. Well, once or twice a week. May be more. May be not so much. I don't remember just how many times a week he would come.
Q. You kept house in Caney during this time that your mother lived there? A. Yes, sir.

Examination by Mr. Davenport.

Q. How far was it from Caney to the home farm?
A. I should judge about eight miles; just about an hours drive.

The parties having no further evidence to offer, the case is closed and the proofs will be submitted to the Commission for final consideration.

---

Jesse O. Carr, on oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 11th day of April, 1903.

Samuel Foreman,
Notary Public.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 560.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of William S. Edwards for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 55.

OFFICE OF...

**L. D. WINTERS,**

CLERK DISTRICT COURT,
MONTGOMERY COUNTY.

TERMS OF COURT:
FIRST MONDAY IN MARCH, MAY, OCTOBER AND DECEMBER.
FOURTEENTH JUDICIAL DISTRICT.
THOS. J. FLANNELLY, JUDGE.

*Independence, Kansas,* Oct. 19, 1903. *190*

J. C. Starr, Esq.,

Muskogee, I. T.

Dear Sir:

Received your letter asking that I send you certified copy of decree of divorce in the case of Wm. S. Edwards vs Susan M. Edwards. The trial docketshows by the notes of the cont that this cause was dismissed, and the notes read as follows, to-wit: "March 15th., 1897, jury trial, jury impannelled. March 16th., 1897, cause dismissed for want of jurisdiction, the plaintiff found to be a citizen of the Cherokee Nation, Indian Territory, all costs against plaintiff." The journal shows that they were given time to make case made for other court.

Yours truly,

L D Winters

W. K.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-560.

ADDRESS ALL PERSONS TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of William S. Edwards for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in 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,

Acting Chairman.

Enc. H-199.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-560.

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

There is transmitted herewith order of the Commission, dated December 15, 1902, re-opening the case of William S. Edwards, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, in order that you may be afforded an opportunity to introduce further testimony as to the residence of said William S. Edwards in the State of Kansas on June 28, 1898 and prior thereto.

You are hereby advised that this case has been set down for further hearing at the office of the Commission at Vinita, Indian Territory, on the sixth day of January, 1903.

Respectfully,

Acting Chairman.

Encl. P-144.

William S. Edwards

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of 7/19/02

Memo of Application of 7/19/02

Certified copy of marriage license certificate

Certificate of marriage

Notice of final consideration 3/1/03

OCT 26 1907

See jacket 4296.

IN THE MATTER OF THE APPLICATION OF

William S. Edwards

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

2-20-1902

Cherokee marriage License & certificate required?

Marriage license & certificate supplied

Cher D 561

COMMISSION [illegible]

FILED

OCT 15 1900

ACTING CHAIRMAN.

19504

B.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Bartlesville, I.T. October 10th, 1900.

IN THE MATTER OF THE APPLICATION OF NINA MELVINA PARTIN FOR THE ENROLLMENT OF HERSELF, HER HUSBAND AND ONE CHILD AS CHEROKEE CITIZENS.

The said Nina Melvina Partin, being sworn by Commissioner C. R. Breckinridge, was examined by the Commission and testified as follows:

Q What is your name? A Nina Melvina Partin.
Q What is your age? A Twenty-three.
Q What is your post office address? A Ochelata.
Q Are you a resident of the Cherokee Nation? A Yes, sir.
Q How long have you lived here? A All my life.
Q Have you ever been outside of the Cherokee Nation? A No, sir; I never lived outside.
Q Are you making application for enrollment as a Cherokee by blood? A Yes, sir.
Q To what district in the Cherokee Nation do you belong? A Cooweescoowee.
Q What is your father's name? A Lige Bly. It may be on the roll some place as Blythe, but I don't know.
Q Is your father living? A Yes, sir.
Q Is he a citizen of the Cherokee Nation? A Yes, sir.
Q What is your mother's name? A Sarah Grimmeth.
Q Is your mother living? A No, sir.
Q Is she a Cherokee citizen? A Yes, sir.
Q To what district in the Cherokee Nation did she belong? A Delaware.
Q Are you making application for any one besides yourself? A Yes, sir.
Q For whom? A For my family.
Q What does your family consist of? A One child.
Q Are you making any application for your husband? A Yes, sir.
Q What is your husband's name? A William T. Partin.
Q Is your husband a white man? A Yes, sir.
Q When did you marry William T. Partin? A A In 1895.
Q Where? A Skiatook. We were married over. We got license from Claremore and we were married at Skiatook Indian Mission.
Q You were married first under the United States law? A Yes, sir.
Q When were you married under the United States law? A In 1895.
Q Have you your marriage license and certificate? A We got them stolen. I have got a copy the preacher give us we enrolled from the other time. I don't know whether it will pass this time or not, but we have several witnesses that we were married. They were stolen and we never offered a reward for them, but our marriage is recorded on the book, in Book No. 3, some place. Mr. Johnson knows about when Willie got his license.
Q Where did he procure his license? A At Claremore.

Nina Melvina Partin et al----2.

Q From whom? A LaRoy, if I am not mistaken.
Q Where was the record of this marriage recorded? A At Claremore.
Q Haven't you a copy of the license? A Nothing more than this. (exhibiting paper) They got stolen, and of course the preacher that married us give us this. Our marriage is recorded on the book at Claremore.
Q What is your husband's age? A Twenty-seven.
Q What is his father's name? A William Partin.
Q Is he a white man? A Yes, sir.
Q Is he living? A Yes, sir.
Q What is your husband's mother's name? A His mother is dead. She was dead a long time before we married. I don't just know her name. She was a white woman.
Q Have you any children? A One.
Q What is the name and age of your child? A He is eighteen months old. His name is Everett Theodore Partin.
Q Have you a certificate of his birth? A Yes, sir.
Q Are you the mother of this child? A Yes, sir.
Q And William T. Partin is the father is that correct? A Yes, sir.

1880 Roll, page 221, No. 156, Malvina Blythe, Delaware District.

1896 Roll, page 232, No. 3770, Malvina Partin, Cooweescoowee District.

Q Your husband was enrolled in 1896, wasn't he? A Yes, sir; I suppose so. He was with me.

The name of the applicant is found on the 1880 authenticated roll of the Cherokee Nation as Melvina Blythe, and on the 1896 census roll of the Cherokee Nation as Malvina Partin. She having established the fact of her residence in the Indian Territory in accordance with the law, will be listed for enrollment by this Commission as a citizen by blood of the Cherokee Nation. Her Husband, William T. Partin, for whom application is made as an intermarried citizen of the Cherokee Nation, and to whom she avers she was married according to Cherokee law November 30th, 1896, will be listed upon a doubtful card by this Commission, awaiting the presentation of either the original or a certified copy from the records, of the marriage license and certificate, by which she and William T. Partin became man and wife, under the laws of the Cherokee Nation.

The enrollment of her infant child, Everett Theodore Partin, will be made by the Commission. The applicant offers an affidavit of his mother and Sylvia Partin as to the birth of this child. The same being in proper form, it will be filed with the records of the Commission, and this child will be listed for enrollment as a citizen by blood of the Cherokee Nation.

---

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

Subscribed and sworn to before me this 12th day of October A. D. 1900.

Wm. J. McAlister

Stenographer.

[illegible] INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 26 1902

ACTING CHAIRMAN

D-561.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 18, 1902.

In the matter of the application of William T. Partin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO D-561.

APPEARANCES:
Applicant in person.
W. W. Hastings for Cherokee Nation.

COMMISSION: The applicant in this case was notified by registered letter June 6, 1902, to appear before the Commission at its offices in Muskogee, Indian Territory, on or before June 20, 1902, and submit further evidence as to his residence in the Territory.

WILLIAM T. PARTIN, being first duly sworn, testified as follows:

COMMISSION: What is your name? A William T. Partin.
Q How old are you? A 39 last March.
Q What is your postoffice address? A At the present time Ramona.
Q Where were you born? A In Jewell County, Kansas.
Q When did you first come to the Cherokee Nation? A It's either 14 or 15 years ago this last spring, I don't recollect which.
Q Where have you been living since that time? A Since I come to the Cherokee Nation?
Q Yes, sir. A Been living in the Cherokee Nation.
Q Have you ever been out of it since then? A Yes, sir, I have been out of it.
Q For how long a period and for what purpose were you gone? A Oh, I have been out at different times when I would be working, go outside of it to receive cattle, you know; I worked for Mr. Johnson a long time there at Bartlesville.
Q When were you married to your wife Nida? A We was married ~~in~~ I forget the date-1895, November 30th I believe it was. No, it wasn't the 30th, 18th I think it was, I have forgotten now.
Q Where have you been living since your marriage? A We have been living in the Cherokee Nation.
Q Where were you living four years ago this month? A Four years ago this month; let's see, I believe I was living at Ringo; I am not positive.
Q Where is that? A Ringo?
Q Yes, sir. A That's a postoffice discontinued, it was on Caney River.
Q In the Cherokee Nation? A Yes, sir, in Goweesoowee District, 18 miles southeast of Bartlesville.
Q Now what is the longest period of time that you have ever been out of the Territory since your marriage or since you came here? A Longest period; I'll declare I couldn't say.
Q Just about how long? A I don't suppose I have been out over thirty days at a time; I don't think that I have.
Q Have you ever exercised the right of suffrage in any other state or territory since you came to the Cherokee Nation; have you ever voted outside of the Territory? A No, sir.
Q Were you living here when your wife made application for your enrollment in March, 1896? A Yes, sir.
Q Been living here continuously since that time? A Yes, sir.
MR. HASTINGS: You living with your wife? A Yes, sir.
Q Never been married but the once? A That's all.

Q She's been married two or three? A That's all.

—

Arthur G. Gronninger, being first duly sworn, states that he is stenographer to the Commission to the Five Nations and that 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. Gronninger

Subscribed and sworn to before me this 26th day of June, 1924.

[illegible]
Notary Public.

1956

Cher D 561

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of WILLIAM T. PARTIN, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

WILLIAM T. PARTIN, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A William T. Partin.
Q What is your age ? A Twenty nine.
Q Post office ? A Ramona.
Q Are you the same William T. Partin that made application to the Commission in October, 1900, for enrollment as a citizen by intermarriage of the Cherokee Nation ? A Yes sir.
Q What is your wife's name ? A Nina.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you and she married ? A In 1895.
Q What time in '95 ? A November 16.
Q Have you filed with the Commission your marriage license and certificate ? A Yes sir.
Q When did you file them ? A When they were in Bartlesville.
Q Were you ever married prior to your marriage to your present wife ? A No sir.
Q Was she ever married before she married you ? A No sir.
Q Have you and your wife lived together all the time since your marriage up to the present time ? A Yes sir.
Q Never have been separated ? A No sir.
Q You and she were living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Fifteen years.
Q Have you lived in the Cherokee Nation all the time for the last fifteen years ? A Yes sir.

---

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

E. C. Bagwell

Subscribed and sworn to before me this October 23, 1902.

B. O. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William T. Partin as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 10, 1900, Lina Melvina Partin appeared before the Commission at Bartlesville, Indian Territory, and made application, among others, for the enrollment of her husband, William T. Partin, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on June 18, 1902, and again on October 13, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that William T. Partin was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on November 30, 1895, to Lina Partin, nee Blythe, a citizen by blood of the Cherokee Nation.

The evidence further shows that the said William T. Partin has resided continuously in the Cherokee Nation with his said wife since the date of their marriage up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that William T. Partin should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-561.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Nina Melvina Partin for the enrollment of her husband, William T. Partin, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in 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,

Acting Chairman.

Enc. H-259.

IN THE MATTER OF THE APPLICATION OF

William T. Porter

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Cherokee marriage license & certificate required —

10 36

IN THE MATTER OF THE APPLICATION OF

William T. Porter

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(1) Original testimony 10/10/00.
(2) Motion [illegible] of 10/10/00.
(3) Certificate of marriage received.

[illegible]

Cher D 562

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., October 10, 1900.

In the matter of the application of Alice May Tucker for enrollment as a Cherokee by blood; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your name? A Alice May Tucker.
Q How old are you? A 22.
Q What is your post office? A Hillside at present.
Q In what district do you live, Cooweescoowee? A Yes, sir.
Q Who is it you want to have put on the roll? A Just myself.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation, all your life?
A Since I was seven.
Q Were you admitted to citizenship by the Cherokee Commission or Council? A Yes, sir, I think I was.
Q Have you your certificate of admission? A No, sir, I haven't.
Q Give me the name of your father? A Elijah J. Tucker.
Q Is he alive? A No, sir.
Q Give me your mother's name? A Clarinda Baggett was her name before she was married.
Q Is she alive? A No, sir.
Q When do you think you were admitted to Cherokee citizenship?
A In 1887, wasn't it.
Q Your own mother died before you were admitted to citizenship?
A Yes, sir.
Q Do you think you were admitted under the name of Sallie? A Yes, sir.
Q They call you Sallie?, when you were a child? A No, sir, they just took it down wrong.
Q And you were admitted with your father? A Yes, sir.
Q You have lived in the Cherokee Nation then ever since your admission in 1887? A Yes, sir.
(On 1896 roll, page 270, No. 4848, Alice M. Tucker, Cooweescoowee district.)

The applicant is identified on the roll of 1896 as a native Cherokee. She states that she was admitted to Cherokee citizenship with her father and under the name of Sallie Tucket in 1887, and that she has lived in the Cherokee Nation ever since her admission. She is desired to supply the Commission with an official copy of the act of admission, and awaiting that evidence, she will at present be listed for enrollment on a doubtful card as a native Cherokee.

---

Bruce O. 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 O. Jones

Sworn to and subscribed before me this the 10th of October, 1900.

C. R. Breckinridge
Commissioner.

Enrollment R 842

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 3, 1906.

In the matter of the application of Alice M. Tucker for enrollment as a Cherokee citizen.

SUPPLEMENTAL STATEMENT.

BY THE COMMISSION:

The record of this Commission show that Elijah J. Tucker and his daughter Sallie M. Tucker were admitted to citizenship in the Cherokee Nation on the 26th day of September, 1887, by a decree of a Cherokee Commission on Citizenship. It is ordered that copies of this statement be filed with the testimony in the above case.

I, C.L. Mielenz, a stenographer to the Commission to the Five Civilized Tribes hereby certify that the above and foregoing is a true and correct copy of my stenographic notes thereof.

C. L. Mielenz

Cherokee D 562.

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

In the matter of the application of Alice M. Tucker -- now Alice M. Coast -- for the enrollment of herself and her minor child, Wallace A. Coast, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 10, 1900, Alice M. Tucker appeared before the Commission at Bartlesville, Indian Territory, and made application for her enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that Alice M. Tucker, now Alice M. Coast, is a Cherokee Indian, the daughter of one Elijah J. Tucker. It further appears that Elijah J. Tucker and his said daughter, under the name of Sallie M. Tucker, were re-admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 24, 1887. The applicant is identified on the Cherokee Census roll of 1896. It further appears from the evidence that the said Alice M. Tucker was married to one Frank Coast on December 29, 1900. Wallace A. Coast is the issue of that marriage, as appears from a birth affidavit on file with this Commission.

The evidence further shows that the said Alice M. Coast, nee Tucker, has resided in the Cherokee Nation since the date of her admission to citizenship, and that she and her said child were residents of the said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that the said Alice M. Coast, formerly Alice M. Tucker, and her minor child, Wallace A. Coast, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 24 1902

COMMISSIONERS
MERRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 562.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Alice M. Coast for the enrollment of herself and her minor child, Wallace A. Coast, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 58.

IN THE MATTER OF THE APPLICATION OF

Alice M. Tucker

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

[illegible]

[illegible] adoption

[illegible] CS

Alice M. Tucker

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/10/00

B. Memo of application of 10/10/00

C. Marriage license & cert.

D. Letter [illegible] to enrollment.

E. Birth affidavit Wahatchee [illegible]

Copy of [illegible]

[illegible]

Transferred to Mississippi

Cherokee

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., October 11, 1900.

In the matter of the application of Miles C. Jones for the enrollment of himself and wife as Cherokee citizens; being sworn on by Commissioner Breedlove and examined by the Commission he testified as follows:

Q What is your name? A Miles C. Jones.
Q What is your age? A 55 years old.
Q What is your post-office address? A Dewey Kansas.
Q Are you a resident of the Cherokee Nation? A Yes sir.
Q Dewey is your nearest post-office? A Yes sir.
Q How long have you resided in the Cherokee Nation?
Q I was born and raised here with the exception of a short time I sojourned outside my home I lived in Dewey two or three years for the sake of educating a blind daughter I have got at a blind school in Kansas; I couldn't do it otherwise.
Q Have you been outside the Cherokee Nation for the past three years? A Part of the time, yes sir.
I just returned to the Cherokee Nation a short time ago.
Q You always made your residence in the Cherokee Nation with the exception of the time you had this daughter of yours in school?
A Yes sir.
Q Did you make your permanent residence in Kansas? A No sir, I never made my permanent residence in Kansas, I never went there with the intention of living there permanently; my place has always been here and my business here, and all last year I was up here at Dewey all the time and now for the last three months I have been living at Dewey; I took an agency for a self-binder but I done all my canvassing in the Territory.
Q What does your residence in the Indian Territory consist of?
A Consists of a farm.
Q Have you been a farmer? A Yes sir.
Q Have you always made a crop in the Indian Territory, every year?
A Every year, but by renters or by myself.
Q Are you making application for enrollment as a native Cherokee, Delaware, Shawnee or as an intermarried white? A As an adopted white man by an act of Council adopting Wm Jones and his son John C. Jones.

By Cherokee Rep've W.W. Hastings;

Q Are you on the roll of 1880? A I should be. I suppose I am, my census has been taken in the on every census that has been taken in the Cherokee Nation.

By The Com'n:

Q When were you admitted to citizenship in the Cherokee Nation?
A In 1865, I think.

Com'n: The 1880 authenticated roll of citizens of the Cherokee Nation is examined and name of the applicant, Miles C. Jones is not found thereon.

Examined by Cherokee Rep've Hastings;

Q When were you married? A In 1868.
Q Where were you living in 1871? A In the Cherokee Nation.
Q Where have you been living since 1871? A Been living in--well I lived from 1871 to 1879 in Sq. Orchard and then I moved up here in Cooweescoowee District and have lived here ever since.
Q Where were you living in 1880? A I was living in the Cooweescoowee District.
Q When did you move to Kansas? A I moved to Kansas in the winter of 1895 and 1896.
Q Do you swear that you never have resided outside the Cherokee Nation prior to that time, 1895 and 1896? A Yes sir.
Q Your post-office was never outside the Cherokee Nation prior to that time? A Well of course I live up here near the line and Dewey Kansas was my post-office.

Q How long did you reside over there in the State of Kansas
A I must have been there quite a short time ago, since 1895.
Q You have resided there since 1895? A Yes sir, well I have not been there much myself, but my folks have been there.
Q In Caney Kansas? A In Caney Kansas, my business has always been here; I attended to my farm and stock here and have never claimed any citizenship there and never exercised the rights of citizenship in the State of Kansas at any time in no particular, and never was considered as a citizen by the people there.
Q Did you apply to the Commission in 1896? A No sir.
Commission:
Q Did any one in your behalf make application in 1896 for citizenship in the Cherokee Nation under act of Congress of June 10th 1896? A No sir.
Q When were you admitted to citizenship in the Cherokee Nation?
A In 1871.
Q Is your name on the 1896 census roll of the Cherokee Nation?
A I think so, yes sir
1896 roll page 190 #2612 Miles C. Jones Goweseecowee Dist.
Q Are you making application for any one besides yourself?
A My wife and daughter.
Q What is your wife's name? A Margaret S.
Q Is she a white woman? A Yes sir
Q How old is she? A She is 57 yearsold I think.
Q What is her father's name? A Lawrence Stevens.
Q Is he living? A No sir.
Q He a white man? A Yes sir
Q What is your wife's mother's name? A I don't know, she died when my wife was a small child.
Q Your wife's mother dead? A Yes sir
Q She a white woman? A Yes sir
Q What is your father's name? A Evan Jones.
Q Was he a white man? A Yes sir
Q Is he dead? A Yes sir.
Q What is your mother's name? A Pelina D. Jones.
Q Is she living? A No sir
Q Was she a white woman? A Yes sir
Q Have you any children? A I have one child.
Q What is your child's name? A Eva P.
Q How old is she? A She is 24 years old.
Com: She will have to make application for herself
Q Was your wife enrolled in 1880? A Yes sir. She should have been.
Q You were married to her then? A Yes sir
1880 authenticated roll of citizens Cherokee Nation examined and name of Margaret S. Jones, wife of applicant, does not appear thereon.
1896 roll page 190 #2613 Margretta Jones Goweseecowee District as a native Cherokee.
By Cherokee Rep've Hastings:
Q What is the exact date of your daughter's birth? A I think it was the 15th of June 1876.
Commission:
Q Did you ever draw money in the Cherokee Nation? A I did, two different times; I think the payments were in 1875 and 1881
Q Did you draw Strip money in 1894? A No sir.
Q What payment was it in 1875? A They called it bread money.
Q How much did you draw there? A I think I drew about 15 or 16 dollars apiece.
Q Did you draw for yourself and your wife and your daughter?
A Yes sir,- no I didn't for my daughter, she wasn't born then, but the next I did.
Q In 1881 how much did you receive? A 16 dollars and some cents ahead.
Cher Rep've Hastings:
Q These payments were made to include all adopted citizens of the Cherokee Nation at both of these payments? A Yes sir.

By the Com'n:offers
The applicant offers in evidence certified copy of a decision of the Supreme Court of the Cherokee Nation April 4th 1871, which is filed in this case evidence and made a part of the record in this case, admitting the applicant, Miles C. Jones, and his wife Margaret to Cherokee citizenship and all the rights allowable to white men under the constitution of the Cherokee Nation.

Commission: The applicant, Miles C. Jones, makes application for the enrollment of himself, and his wife, Margaret B. Jones, as citizens by adoption of the Cherokee Nation, claiming such right by a decision of the Supreme Court of the Cherokee Nation referred to in the testimony above given, but it does not appear from his evidence nor the records of the Cherokee Nation in the possession of this Commission that either the name of the applicant or that of his wife appear upon the 1880 authenticated roll of citizens of the Cherokee Nation. The act of Congress of June 28th 1898, section 21 Curtis Act, provides,

"That in making rolls of citizenship of the several tribes, as required by law, The Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty(not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons who e names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The decision of the Supreme Court of the Cherokee Nation admits the applicant and his wife to citizenship in the Cherokee Nation, with all the rights allowable to white men under the constitution of the Cherokee Nation, and Article 3, section 5, of the Constitution of the Cherokee Nation, adopted September 6th, 1839, provides as follows:

"No person shall be eligible to a seat in the National Council but a free Cherokee male citizen, who shall have attained to the age of twenty-five years.

The descendants of Cherokee men by all free women, except the African race, whose parents may have been living together as man and wife, according to the customs and laws of this Nation, shall be entitled to all the rights and privileges of this Nation as well as the posterity of Cherokee women by all free men. No person who is of negro or mulatto parentage either by the father's or mother's side, shall be eligible to hold any office of profit, honor or trust under this government"

This section 5 of the 3rd article of the Constitution of the Cherokee Nation was amended on November 26th, 1866, to read as follows:

"No person shall be eligible to a seat in the National Council but a male citizen of the Cherokee Nation who shall have attained to the age of twenty-five years, and who shall have been a bona fide resident of the district in which he May be elected, at least six months immediately preceding such election. All native born Cherokees, all Indians, and whites legally members of the Nation by adoption, and all freed

[illegible]

the [illegible]
the Chickasaw
okee Nation [illegible]
final disposition [illegible]
the applicant and [illegible] [illegible] testimony.

M. D. Green, being first duly sworn, states that as stenographer in the examination of the Kiowa Chickasaw 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.

M D Green

Subscribed and sworn to before me this 11th day of October 1900.

[illegible]

Commissioner.

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FILED
MAR 17 1902

ACTING CHAIRMAN

Supl.-C.D.#563.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MILES C. JONES, ET AL., as citizens of the Cherokee Nation: Introduced on part of applicants:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902. Receipt was acknowledged of Commission's letter and on said day the case was by agreement continued until the 11th day of March, 1902. The applicant this day, to-wit: the 11th day of March, 1902, appears by his attorney, A. H. Norwood, represented by E. B. Lawson.

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

MILES C. JONES, the applicant, being duly sworn, testified as follows in his own behalf:

MR. LAWSON:

Q State your name? A Miles C. Jones.
Q Do you know Evan Jones? A Yes, sir; he was my father.
Q Did you know J. B. Jones? A Yes, sir, he was my brother.
Q What was their occupation, or business? A They were ministers.
Q Do you know whether or not your father and brother and their families were admitted to citizenship in the Cherokee Nation?
A They were.
Q Do you know when? A In 1865.

Mr. Lawson: At this time the applicant desires to introduce in evidence the laws of the Cherokee Nation passed during the years 1839 to 1867, compiled by the authority of the National Council relative to a xxkx resolution and an Act granting citizenship to Evan Jones and son, J. B. Jones, and their families, which resolution and Act can be found on page 118 of said laws:

Resolved, by the National Council, That our sincere thanks are hereby tendered to the Baptist Missionary Society of Boston. It is now more than forty years since the missionaries of that society came into the Cherokee Nation. When the Cherokees were poorr and covered with darkness, light with regard to the other world was brought to us by Evan Jones, and at a later date by his son, John B. Jones. And we do bear witness that they have done their work well, and that they have striven to discharge the duties incumbent upon them, in doing good to the people and performing faithfully their duties to God. And we bear witness that their work was highly prosperous up to the time when they were driven out of our country by the United States agent, in 1861. And now, after the close of the war, we are informed that the Missionary Society have determined to resume their work in the Cherokee Nation. For this determination we hereby return to them our thanks; and we hereby declare that it is our desire that they will more strongly than ever push forward their work of enlightening our land. And we do further declare that we hold in high esteem Evan Jones and his son, J. B. Jones: NOW THEREFORE,

BE IT ENACTED BY THE NATIONAL COUNCIL, That Evan Jones and his son, J. B. Jones, be and they are hereby admitted to citizenship in this Nation, together with their families, and all the rights allowable to white men under the constitution are hereby granted to them. Our object in so doing is that our people may be instructed by them in good morals and general intelligence.

Tahlequah, C. N/ November 7, 1865.

(Signed)

Smith Christie, President National Com.

H. D. Reese, Clerk National Com.

Approved.

Lewis Downing,
Acting Principal Chief.

N.B.--The above resolution and Act is transcribed from a certified copy taken by H. D. Reese as Clerk of the National Committee, and furnished me this date.

November 19, 1867.

W. P. Boubinot, Compiler.

To the National Council.

Mr. Hastings: The representatives of the Cherokee Nation now object to the filing of the above resolution and Act and move that the same be stricken from the record for the reason that it does not show that the above Act was ever passed by the National Council, nor does it puppert to show that the same was ever passed by the National Council as it is only signed by Smith Christie, President of the Council Committee, and it is not signed by any other officers of the other branch of the National Council.

Second; the note shows that it was not taken from any offical records of the Executive Department but taken only from the records of that branch of the National Council through which the resolution and Act evidently passed.

Third; if it did pass, it conferred no rights whatever on the applicant because it does not purport to give any other rights than these enjoyed by white men under the constitution of that date, viz: November 7, 1865, and the word white-men is not contained in the constitution of the Cherokee Nation as of that date.

Commission: The objection of the Cherokee Nation to the introduction of the Act above quoted will be noted and the Act considered for what it is worth.

MR. LAWSON, of applicant:

Q Do you remember the time your father, Evan Jones, was admitted to citizenship by this Act? A Yes, sir; I remember.
Q Were you a member of his family at that time? A I was.
Q Were you living with him? A I was.
Q Wereyou unmarried? A I was.
Q Since that time have you exercised the rights of a citizen of the Cherokee Nation, or since you became of age? A I have.
Q Have you ever voted down here in the Cherokee Nation? A Often.
Q Were you ever refused? A No, sir, at no time.
Q Or was your vote ever challenged or refused to be taken? A No, sir.

Mr. Lawson: At this time I desire to introduce a certified copy of a letter letter written from the Executive Department of the Cherokee Nation under date of November 5, 1868, to

Major W. B. Davis, United States Agent for Cherokees, Fort Gibson, I. T., by Lewis Downing, Principal Chief of the Cherokee Nation, relative to the citi zenship and rights of Miles C. Jones, the applicant.

Mr. Hastings: The Cherokee Nation objects to the introduction of this letter because the Principal Chief at no time had the power or the authority to admit or readmit parties to citizenship in the Cherokee Nation, and it would have no more weight than a letter from any one else.

Commission: Objection will be noted, and the document filed and considered for what it is worth.

Mr. Hastings: The Cherokee Nation wants to offer a further objection that this is not a certified copy inasmuch as there is no seal attached.

MR. LAWSON of Applicant;
Q Do you know whether or not there was a seal of the Cherokee Nation at that time? A I am not quite sure, but I am almost certain that there was not.
Q What is the name of your wife? A Margaret.
Q When were you married to her? A Married on the 22d day of July, 1868.

Mr. Lawson: Here is a certificate of marriage we desire to introduce and file with the papers.
Commission: The document will be filed and made part of the record.

MR. HASTINGS:
Q Are you living with your wife that you were married to in 1868?
A Yes, sir.
Q You have always lived with her ever since? A Yes, sir.

Mr. Hastings: The Cherokee Nation desires to introduce a Section of an Act regulating intermarriages of white men, found on page 105 of the book from which the Act hereinbefore taken was read, as follows:
Be it further enacted that should any white man or woman become a citizen of the Cherokee Nation by marriage and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widoer shall continue to enjoy Cherokee privileges unless such widow or widower shall marry a white man or woman (as the case may be); then, in that case, all of his or her rights to Cherokee citizenship shall cease." This part of the Act dated October 15, 1855.

Mr. Lawson: To which Act the applicant objects for the reason that the same is inapplicable and does not apply in this case.
The applicant rests his case with the understanding that he can file such certified copies of such Acts as he sees fit, and that such certified copies are to be filed within ten days.

Mr. Hastings: The Cherokee Nation has no objection to his filing certified copies of the Act hereinbefore quoted if it can be gotten.

Commission: The Attorney for the applicant requests and

will be granted 30 days in which to file a brief of the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

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

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

J. O. Rosson
Stenographer.

Before the Commission to the Five Civilized Tribes, sitting at Muskogee, I. T.

In the matter of the application of Miles C. Jones et al. for enrollment as Citizens of the Cherokee Nation.

Brief on the behalf of applicants.

On the 7" day of November 1865 at Tahlequah in the Cherokee Nation a resolution and an act was passed by the National Council of the Cherokee Nation " entitled a (Resolution and an Act granting Citizenship to Evan Jones, and Son, J. B. Jones, and their Families); a copy of which resolution and act is filed amoung the papers in this case.

It has been shown that the applicant, Miles C. Jones was a member of the family of Evan Jones, in fact was the Son of Evan Jones, and lived with Evan Jones at the time of the admission of his Father, Evan Jones to Citizenship in the Cherokee Nation; therefore, the applicant, Miles C. Jones was a part of the family of Evan Jones and was admitted to Citizenship by the act of the Council of the Cherokee Nation of November 7" 1865.

Now it is contended by the Cherokee Nation, though we believe not seriously, that the act of November 1865 granting Citizenship to Evan Jones and J. B. Jones and their families was not regularly passed by the Cherokee Council, yet,,the Cherokee representatives brought no evidence of any kind whatsoever to show that it was not regularly passed.

We find the said Act in the law books of the Cherokee Nation passed during the years from 1839 to 1867, amongst the other laws passed during that period, and in reviewing some of the other laws passed during that period, notably an act relating to wild cattle, which can be found on page 121 of the same lawbook, and an act requesting the Principal Chief to issue a proclamation, which can be found on page 182 of the same book, we find that said laws were signed and passed by the National Council in exactly the same way and the same manner, that the law admitting to Citizenship the Jones families was passed, and our contention is that this special law was regularly passed by the National Council, especially must we presume so as it has been the law, recognized as such for more than 30 years.

We contend that the act admitting Miles C. Jones to Citizenship in the Cherokee Nation was not restrictive in any way of his rights

as a Cherokee Indian Citizen; that the said Miles C. Jones at that time was an unmarried man and could not have got his rights at that time by intermarriage, and we contend that that clause in the act admitting Evan Jones and his Son, J. B. Jones and their familes to Citizenship, wherein it states that they are admitted to Citizenship in this Nation, together with their families, and all the rights allowable to white men under the Constitution are hereby granted to them, restricted only as Evan and J. B. Jones themselves, and could apply only to them as they were married men and that section of the Cherokee law which can be found on page 105 of the laws of the Cherokee Nation passed from 1859 to 1867 relative to a white man or woman becoming a Citizen of the Cherokee Nation by marriage could apply only to Evan Jones and J. B. Jones and their Wives and could have no application whatever to Miles C. Jones.

In furtherance of the contentions advanced herein by us the applicant filed as evidence in this case a decision of the Supreme Court of the Cherokee Nation admitting the applicant and his Wife to Citizenship in the Cherokee Nation with all the rights allowable to white men under the Constitution of the Cherokee Nation and this decision was made by the highest Court in the Cherokee Nation several years after Miles C. Jones married his present Wife, or in fact several years after he married for the first time.

The Cherokee Courts in this decision could only have based Miles C. Jones rights to Citizenship on the fact of the admission of Evan and J. B. Jones and their families to Citizenship in the Cherokee Nation under the act of 1865; now it certainly was not considered by the Supreme Court of the Cherokee Nation that Miles C. Jones had married out of the Tribe when he married a white woman, his present Wife and we contend that the Supreme Court of the Cherokee Nation has fully decided the statue and rights of Miles C. Jones and his family.

Again we contend and the evidence bears us out in the contention that Miles C. Jones has been recognized by the Cherokees themselves as a Citizen of the Cherokee Nation since the year 1865, and has always exercised the rights of suffrage in the Cherokee Nation, and been recognized in every way as a Cherokee Citizen, and we contend now that the Statue of limitation would run in this case and would debar the Cherokee Nation from protesting against the enrollment of the applicants.

We would call the attention of the Commission to the fact that the Cherokees themselves enrolled Miles C. Jones and his family on the Census roll of 1896 and it would seem to us that applicants would not have been enrolled on the Census roll of 1896 if they had not been deemed and considered Cherokee Citizens.

There can be no serious contention against the enrollment of Miles C. Jones on account of his residence for the reason that the testimony shows that he has lived in the Cherokee Nation nearly all his life and in fact during the three or four years that the family of Miles C. Jones lived in Caney, Kansas he himself stayed in the Cherokee Nation and had his business interests here.

The evidence shows that his residence in Caney, Kansas was only temporary and was for the purpose of schooling his blind child.

The applicant himself states that his name was given to the Census takers in the year 1880 and that it should appear on the 1880 roll but for some reason unknown to him it does not appear, but certainly he was entitled to enrollment on the 1880 roll as his rights to Citizenship in the Cherokee Nation had been determined by the Supreme Court of the Cherokee Nation, prior to the making of the 1880 roll.

Looking from every standpoint of this case, which, we confess is a peculiar one, we do not see how the applicants can be refused enrollment as the Cherokees themselves have always recognized the applicants as Cherokee Citizens.

N B Lawson
Attorney for applicants.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 18, 1902.

In the matter of the application of
Miles C. Jones, et al., for enrollment as citizens of the Cherokee Nation. C. D. 563.

Brief on behalf of the Cherokee Nation.

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The name of the applicant does not appear upon the roll of 1880, and neither does that of his wife or their child for whom he makes application; he claims that he was admitted with his father to citizenship in the Cherokee Nation under an act of theNational Council approved November 7th, 1868; but this act of the National Council onlY granted his father and his familY such rights as were allowable to white men under the Constitution of that date. And bY reference to the Cherokee Constitution of that date it will be seen that white men had no rights conferred upon them therein, but that whatever rights were given them were conferred bY the amendments to the Constitution ratified November 26, 1866, or more than a Year subsequent to the passage of this act bY the National Council. Hence applicant acquired no rights whatever bY the passage of this act. It will also be noticed that this act never passed both branches of the Cherokee National Council, but onlY passed one; it issigned bY the presiding officer and the clerk of one branch. Whereas bY the Cherokee Constitution it was necessarY that it should pass both branches of the National Council and be signed bY the Principal Chief. BY reference to the act filed in this case it will be noticed that it was handed to the Compiler b/ H. D. Reese instead of the Compiler getting it from the official files in the Executive Department of the Cherokee Nation. And just whY such an unofficial document should be accepted bY the compiler and printed as one of the

laws of the Cherokee Nation will perhaps always remain a mystery inasmuch as all the parties connected therewith are now dead. But if this man acquired any rights through this supposedact of the National Council he forfeited them by his marrying his present wife, who is a white woman, just as any other white man would forfeit his rights by his intermarriage with a white woman. Because it was never intended by the Cherokee authorities that children of white parents oney should inherit Cherokee citizenship.

We contend that in the event the Commission should admit the applicant and his wife that they should not admit his child, because if any rights were conferred upon them it was personal to them, and not descendable to heirs.

You will observe that none of the names of applicants are found upon the authenticated roll of 1880, which was an adjudication by the National Council of theCherokee Nation at that time that they were not citizens of the Cherokee Nation and not entitled to be enrolled as such. Neither do their names appear upon the roll of 1894, which is further evidence of the fact that they were found to be not entitled to citizenship in the Cherokee Nation by the National Council.

We contend that inasmuch as the names of applicants do not appear upon the roll of 1880, that being an adjudication of the number and names of all persons entitled to be enrolled ascitizens of the Cherokee Nation, confirmed by the act of Congress which gives this Commission jurisdiction, that it was necessary for applicants to be re-admitted to citizenship in the Cherokee Nation subsequent to that time in order to entitle them to be now enrolled as citizens of the Cherokee Nation.

Again, the testimony further discloses that the applicants have been residents of the state of Nebraska Kansas since 1895, and were not residents of the Indian Territory on June

28th, 1898, and for that reason theY are not entitled to be enrolled as citizens of the Cherokee Nation.

The decision of the Supreme Court referred to in the testimonY evidentlY onlY intended to confer the same rights which were supposed to have been granted bY the act of the National Council; and inasmuch as the act of the Nationa Council conferred no rights it would seem that this decision of the Supreme Court was equallY as valueless to the applicant.

Furthermore, it is not apparent wherein the Supreme Court acquired jurisdiction to attempt to admit white people not of Cherokee blood. We contend that theY had no such jurisdiction. In this case applicants do not claim to have had anY Cherokee blood whatever, and the Cherokee National Council must have determined in 1880 that the Supreme Court had no such jurisdiction, and therefore repudiated, as it had a right to do, under the decision of the Supreme Court of the United States in the case of Roff vs BurneY appealed from the Chickasaw Nation, the action of the Supreme Court of the Cherokee Nation.

RespectfullY submitted,

AttorneY for the Cherokee Nation.

W H M.

Cherokee D 563

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

In the matter of the application for the enrollment of Miles C. Jones and Margaret S. Jones as citizens of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 11, 1900, Miles C. Jones appeared before the Commission at Bartlesville, Indian Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 11, 1902.

The evidence shows that Miles C. Jones was a minor at the time of a resolution and act granting citizenship to his father, one Evan Jones, a white man, on November 7, 1865. It is further shown in a decision of the Supreme Court of the Cherokee Nation that said Court decided "that Miles C. Jones and wife Margaret, are entitled to Cherokee citizenship and all the rights allowable to white men under the Constitution are hereby allowed to them."

Miles C. Jones and his wife Margaret S. Jones, are not identified on the Cherokee Authenticated Roll of 1880, nor on the Cherokee Strip Payment Roll of 1894, but they are identified on the Cherokee Census Roll of 1896.

The evidence further shows that Miles C. Jones was born in the Cherokee Nation, and did reside therein, with the exception of a temporary absence, up to 1895, at which time he removed to the State of Kansas, remaining there with his family "until a short time ago." He was, therefore, not a resident of the Cherokee Nation on June 28, 1898.

Paragraph 9 of Section 21, the Act of Congress approved June 28, 1898, (30 Stats., 495), provides:

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

It is, therefore, the opinion of this Commission that the application for the enrollment of Miles C. Jones and his wife Margaret S. Jones, as citizens by adoption of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 1 1902

In the matter of
the application
of Miles C Jones
and wife for
enrollment
Cherokee D No 573

Dewey Indian Territory,

September 6th, 1902.

Before the Hon, Commission to the Five Civilized Tribes;

In the matter of the application of Miles C. Jones and his wife Margaret Jones for enrollment as Cherokee citizens.

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MOTION FOR APPEAL AND REVIEW .

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Comes the applicants and for cause for appeal and review before and by the Honorable Secretary of the Interior, say; That they have reason to believe that the decision of the Honorable Commissin to the Five Civilized Tribes, rejecting applicants for enrollment as Cherokee Citizens, ( Cherokee D. No. 563 ) does not accord with the law and evidence submitted in the matter, and ask leave to have the said decision reviewed, by the Honorable Secretary of the Interior. , And for reason for said petetion state.

First- That the rejection of the applicants on the sole ground of residence in the state of Kansas is not consistent with the laws of the Cherokee Nation , and precedent established by the said Commission.

Second- That the Cherokee Nation has been the home and residence since the birth of applicants, and so recognized by the authorities of the Cherokee Nation.

Third- That applicants can furnish reliable proof of the fact that no feufeiture of citizenship was intended by virtue of removal to the state of Kansas.

Fourth- That this appeal is not made for the purpose of delay, but that justice may be done, and applicants respectfully ask permission to file additional evedence to sustain their ~~claim~~ Claim and motion.

Respectfully submitted,

Miles C Jones

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 8 1902
ACTING CHAIRMAN.

Notary Public.

Muskogee, Indian Territory, this 8th day of November, 1902.

Appeal dismissed by order of the Commission, the time and conditions of the appeal having been complied with, and that the appellant is a resident of the Choctaw Nation, and that the appellee is a resident of the Muskogee District, Indian Territory, and that the appellee evade and delay the case and failed to prosecute the appeal with diligence and comply with the statutory requirements of the time and conditions of the appeal.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 6th, 1902.

In the matter of the application of Miles C. Jones for the enrollment of himself and his wife, Margarett S. Jones, as citizens of the Cherokee Nation.

Supplemental to D-563.

Under date of October 15th, 1902, the applicant was notified by the Commission that he would be given an opportunity to introduce further testimony touching his residence in the Indian Territory and the case was set down for hearing at one o'clock on October 31st, 1902.

The representatives of the Cherokee Nation were duly advised of this action and thereafter, upon request of the applicant, the hearing of this cause was continued until November 6th, 1902.

On this day comes the applicant in person and by his counsel, A. H. Norwood, the Cherokee Nation not being present by its representative at the present hearing, having heretofore made a request for additional time in which to introduce evidence upon behalf of the Cherokee Nation touching the question of the residence of the applicant and his family.

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MILES C. JONES, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name? A. Miles C. Jones.
Q. How old are you? A. I am now 57 years old.
Q. What is your post office address? A. Dewey, Indian Territory.
Q. You are one of the applicants in this case are you? A. Yes, sir

Examination by Mr. Norwood.

Q. What is the name of your wife, Mr. Jones? A. Margarett.
Q. She was enrolled at the same time you was? A. Yes, sir.
Q. As your wife? A. Yes, sir.
Q. State where you have resided and the manner of your residence since 1895. First state where you resided in 1895 and then where you have since.
A. Until the latter part of 1895 I resided in the Cherokee Nation.
Q. State where you went? A. I moved from my farm in the Cherokee Nation across the line to Caney, Kansas.
Q. How long did you remain there? A. Oh, I remained there until--it was the early part of October, 1900.
Q. Then where did you go? A. Came back to the Cherokee Natéon. First I went, temporarily, a short time, on the farm. My wife and daughter, or adopted daughter, is the only family I had. I was in business in Dewey all the time, myself.
Q. Did you, at any time within the last 10 years, move without the Cherokee Nation with your effects? A. No, I did not. My moving into Kansas was for the sole purpose of educating my blind daughter; because I couldn't do it elsewhere. I moved, up there, enough goods to keep house with. I never abandoned my farm or moved any stuff away from it.
Q. State what property or effects you left in the nation?
A. I left the farm, farm utensils, stock and everything that pertains to the farm that I had; and I had quite a little.

Q. Did you, at any time after your removal to the state, become a citizen of that state? A. No, sir.
Q. Did you, at any time during that time, hold office in the state, county or municipal government? A. No, sir.
Q. Did you ever exercise any rights as a citizen of the state?
A. No, sir; any more than to simply reside there.
Q. Well, during this time did you maintain and claim your rights as a citizen of the Cherokee Nation? A. Always did.
Q. You voted at every election? A. I don't know whether I voted at every election that was held during the time I resided there. I know I did at some of them. I have in mind now twice, anyway.
Q. Were you enrolled by the census takers during that time as a citizen of the Cherokee Nation? A. I was.
Q. Do you remember what year? A. I don't just exactly remember what year it was but I know who the census takers were at that time. It might have been '96 or 7.
Q. You voted in the Cherokee Nation up to 1898 at the elections?
A. Yes, sir.
Q. Did you exercise the rights of a citizen? A. Yes, sir.
Q. Did you obtain permits for employes? A. Yes, sir; I obtained permits for employes after 1895. I can't just call to mind now how many. I know I did for men that was working on the place.
Q. Did you hold any official capacity up until 1898?
A. Oh, I had an appointment as deputy clerk for a number of years under different clerks of Coowescoowee district, to issue permits and I think at sometimes I collected royalty on hay and other things, timber perhaps, at one time.
Q. Did you, at any time, secure permits to ship hay or mine coal or anything of that sort? A. Yes, sir.
Q. You may examine that (hands witness paper) and state if you know anything about it and how you obtained it? A. Yes, sir; I do. I got that from the clerk of the court of Coowescoowee, I think by written application. I wrote him for that permit.

BY MR. NORWOOD:
May it please the Commission, this was issued about the time of his removal but, of course, it extends beyond that time. We wish to present that in the matter.

BY THE COMMISSION:
There is offered in evidence a permit issued by Joe M. Lahay on the 6th day of September, 1895, authorizing the applicant, M. C. Jones, to ship, transport and carry beyond the limits of the Cherokee Nation, prairie hay. The same is filed herewith.

BY MR. NORWOOD:
Q. Did you vote for principal chief at the last election of the Cherokee Nation? A. No, sir; I didn't vote then. I was an---you know what my business was. I couldn't go. I intended to go but I couldn't do it.
Q. Did you vote at the election on the 7th day of August, the present year? A. No, sir.
Q. On the treaty? A. No, sir. I voted on the other treaty but I didn't on that for the same reason.
Q. When was the other treaty? A. I think it was in 1897. No, it was later than that. I have forgotten when it was.
Q. Can you correct that? A. I just forget all about it.
Q. You can certainly make the distinction that it was since 1898. The Curtis Bill was in 1898. All our treaties have been subsequent to that. You can certainly fix sometime within two or three years.
A. Why, yes; I can-----
Q. Was it since 1898? A. That first one; why, yes, it was since 1898.

Q. Where were you living at that time? A. I was living at Caney, Kansas; my family was.
Q. Then you actually maintained a home and had your effects in the Cherokee Nation during your residence in Caney, did you?
A. Yes, sir.
Q. Did you have any intention of abandoning your rights as a citizen of the Cherokee Nation? A. Never in no sense of the word.

Examination by the Commission.

Q. Mr. Jones, you have no Cherokee blood yourself, have you?
A. No, sir.
Q. You claim the right to enroll as a member of the Cherokee tribe by virtue of a special act adopting your father and family?
A. Yes, sir.
Q. Your wife is a white woman? A. Yes, sir.
Q. What time in 1895 was it you went to Caney, Kansas?
A. It was the latter part of November, to the best of my recollection.
Q. Did you take your family at that time? A. Yes, sir.
Q. How much of a farm have you got in the Cherokee Nation, or did have in 1895? A. Well, I had at that time about five or six hundred acres.
Q. You had been renting that out, a great deal of it.
A. Considerable of it.
Q. When you went to Caney, Kansas, in 1895 what did you do with the farm in 1896? A. I rented it.
Q. Rented it out? A. Yes, sir.
Q. Now, your wife--you rented a house in Caney, Kansas?
A. I traded for a small property there; yes, sir.
Q. Kept house all of 1896? A. Yes, sir.
Q. All of 1897? A. Yes, sir.
Q. All of 1898? A. Yes, sir.
Q. And all of 1900 up to when you came back here? A. Yes, sir.
Q. Now, how many children have you? A. Only one. I have an adopted daughter; but I have only one child.
Q. This child was there in Caney, Kansas, with you? A. Yes, sir.
Q. While you lived there? A. Yes, sir.
Q. Now, during the time you had your family in Caney, Kansas, you didn't keep house over here in the Territory, did you?
A. No, sir; I didn't keep house over here in the Territory, but there was two of those years--I think one was 1897, probably 1898--I farmed considerable of the land myself by hiring.
Q. Hiring farm labor? A. Hiring men to work my teams, and boarded with the people I had renting, but that couldn't farm all the land.
Q. You had rented the farm out during those years; that is most of it? A. Yes, sir.
Q. A portion was not rented and you undertook to cultivate, yourself what was left? A. Yes, sir.
Q. You boarded yourself and men what time you were on the Cherokee side with your renters? A. Yes, sir.
Q. Your family was still in Caney, Kansas, and after the crop season was over--crops laid by, as we call it, you stayed with your family in Caney, Kansas, until gathering time?
A. Yes, sir.
Q. You say you had business at Dewey? A. Yes, sir.
Q. What business? A. Buying grain.
Q. That only occupied your time during the fall and winter?
A. The first year I went there I was there only from harvest time until October, and the next year probably about the same. Since then I have been there all the time.

Q. The first year, that was in 1896? that you went there to Dewey to buy grain? A. No, I didn't go there in 1896. The first year I went there was in 1898.
Q. You went to Dewey to buy grain in harvest time, sometime in July? A. The latter part of June, that is my recollection of it.
Q. You stayed there until fall? A. Yes, sir.
Q. Then you went back to Caney, Kansas?
A. Yes, sir; for a little while, then I went from there to--I think that same year,-- to Collinsville and shipped coal for the Horsepen Coal Company and worked for that company until April, the next April.
Q. Collinsville is in the Territory? A. Yes, sir.
Q. Then the next year you went back to Dewey in the harvest season and bought grain? A. Yes, sir.
Q. That would be 1899? A. 1899.
Q. You stayed there about the same length of time you did before? A. Yes, sir. Wait just a minute now. Yes, about the same length of time.
Q. When you were to Dewey in 1898 to buy grain, that is the first year, you say, you went there? A. Yes, sir.
Q. You didn't take your family and keep house there?
A. No, sir.
Q. When you went back in 1899 you left your family at Caney, Kansas? A. Yes, sir.
Q. When you got through you went back? A. Yes, sir.
Q. As a matter of fact from the fall of 1895 up to 1900 you kept house in Caney, Kansas, all the time? A. Yes, sir.
Q. Your wife and family wasn't in the Territory at all to keep house, to make your home? A. No, we resided there, but we always considered we were residing there temporarily and-----
Q. Well, I am asking you what you did.

Examination by Mr. Norwood.

Q. Isn't it a fact, Mr. Jones, that a number of other Cherokee citizens and their families live acorss the line and live in Caney, Kansas, the same as you did, and are still living there?
A. Yes, sir.
Q. Name some of them? A. Mr. William Edwards was living there at that time; I forget just when he moved away from there but he was there at that time, anyway. Mr. W. F. Goodman and Mr. S. E. Bell. I don't know whether I remember any others. There was others lived there off and on. I can't tell just exactly when they did live there or when they moved away. And there was Frenchman. I couldn't tell about him.
Q. Well, did they go there about the same time you did?
A. Bell come there a short time after I had moved but Goodman and Edwards were living there when I went there.
Q. When did Edwards leave there, do you know? A. Why, it was about the time the new railroad reached Collinsville. I forget just when it was.
Q. You can date that very readily; the railroad is three and a half years old. A. That is when he left.
Q. Then he left the same time you did? A. Well, a little bit before.
Q. Are some of these families still living there? A. I know Bell is living there. He moved out and lived on the farm once, then he moved to Caney again. And I think Goodmans are.
Q. You stated, Mr. Jones, you were connected with the Horsepen Coal and Mining Company. State what connection that is.
A. I had a lease from the Cherokee Nation to mine coal there, to locate it near Collinsville. I became a member and stockholder in the Horsepen Coal & Mining Company and am still a member and stockholder in that company.

Q. In what manner did you become an incorporator of that company, as a citizen or otherwise? A. As a citizen.
Q. Look at that (hands witness paper). You may state is this is the coal lease that you obtained from the Cherokee Nation?
A. Yes, sir.

The applicant offers in evidence a mineral license issued by the Cherokee Nation to K. C. Jones on the 30th day of January, 1893, for a term of 20 years. The same is filed with and made a part of the record in this case.

Examination by the Commission.

Q. Now, Mr. Jones, you say that these men, Mr. Edwards, Goodman, Bell, Frenchman, are all living-----
A. Well, in regard to Frenchman, I wouldn't say. I don't know of his being there over a month or two at a time.
Q. These others, Edwards and Goodman and Bell, they lived there with their families? A. Yes, sir.
Q. Have they claimed rights as Cherokee citizens the same as you?
A. Yes, sir.
Q. You said that you were at one time deputy clerk of Cooweescoowee district? A. Yes, sir; I was appointed by several of the clerks there as they became elected; more particularly to issue permits than anything else.
Q. Now, do you remember when you were appointed the last time; when you served as deputy clerk the last time? A. I don't remember just exactly when it was.
Q. Well, I will ask you this question. Was it before or after you went to Caney, Kansas, with your family.
A. It was before.
Q. Did you ever act as deputy clerk after you moved your family to Caney, Kansas? A. I am not sure about that, whether I did or not. It seems to me that I have but I won't be positive.
Q. You never was reappointed after you went there to Caney, Kansas?
A. No, sir.
Q. If you acted as clerk after you went to Caney, Kansas, it was under an appointment made before you went there? A. I think so.

Examination by Mr. Norwood.

Q. I will ask you if you were appointed at any time by Joe Lahay, who was clerk there. In other words, did you act in any capacity for him? A. I don't remember whether I did or not.

Examination by the Commission.

Q. Were you enrolled in 1896, on the last census roll prepared by the Cherokee Nation? A. Yes, sir.
Q. Where were you living at the time you were enrolled? A. I was living in Caney, Kansas.
Q. So you were enrolled after you moved to Caney, Kansas, with your family? A. Yes, sir.

Examination by Mr. Norwood.

Q. Do you remember the names of the enumerators and by what authority they were acting? A. Acting by authority of the Cherokee Nation.
Q. Who were they? A. One was Mr. John G. Scrimsher and Mr. Arch McCoy. I don't remember whether there were any more or not. They were the two principal ones. I think it was during the council of 1896, I went to Tahlequah to the committee for Cooweescoowee district. I went before them and they enrolled me and my wife and daughter. I am sure that I was enrolled at the time Scrimsher and McCoy were in the precincts taking the census.

S. M. PORTER, being duly sworn, testified as follows:--

Examination by Mr. Norwood.

Q. State your name, age and residence? A. S. M. Porter, age 52, residence Caney, Kansas.

Q. Are you acquainted with Miles C. Jones, the applicant?

A. I am.

Q. How long have you known him? A. A little over 21 years. 21 years ago last May, my first acquaintance with him.

Q. During this time where has he resided--state the whole history of it during this time? A. All the time that I have known him for the past 21 years, up to something like the year 1896, sometime in that year, he resided in the north part of the Cherokee Nation, right near the Kansas line, and during the time since 1896, so far as my observation goes, he has resided part of the time in Caney, Kansas; perhaps all the time up until 1898, I would say. He has resided since then with his family in Dewey, Indian Territory. I would not be positive, however, about the time he lived in Caney, because I have nothing to call my attention to that fact . But I know of his living with his family for a time in Caney and then moving with his family and business to Dewey, Indian Territory.

Q. During his residence in Caney was he recognized as a citizen of that state? A. Never was that I ever heard of. He was always considered, so far as my information goes, as a citizen of the Cherokee Nation and never undertook to exercise any rights of the citizens of the state of Kansas other than to merely live there for a certain length of time.

Q. During this time, since 1895, have you been associated with him in any business capacity? A. Yes, sir; as a member and stockholder of the Horsepen Coal & Mining Company I have.

Q. In that capacity was he regarded as a citizen of the Cherokee Nation or the state of Kansas? A. Entirely as a citizen of the Cherokee Nation. He was secretary of that organization, that company, because of his citizenship; the same as Mr. W. S. Edwards was its president because of his citizenship.

Q. They were associated with you in that capacity on account of their citizenship, were they? A. Yes, sir; entirely so.

Q. Are you acquainted with the health of Jones's wife?

A. To quite an extent, I am. I lived in their family the first year I was in the Territory and frequently been to their home after that, both in the Territory and Kansas.

Q. What has been her health for a number of years?

A. It has been very frail--a delicate woman and what you would call sick quite a good deal of the time.

Q. Are you aware, or not, whether that was one of the reasons for his moving up to the state? A. That was what I was informed by Mr. Jones, and Mrs, both. I know nothing further than that.

Q. How was the country out in the neighborhood of his farm in the nation as to being scarcely settled? A. It was not settled. Mr. Jones had a large improvement there adjoining the Kansas state line, several hundred acres, and usually one person or family lived on the place. A greater part of the country up there is what is called, I think, public domain.

Q. Do you know of your own personal knowledge whether during his residence in Caney, he exercised any rights as a citizen there?

A. Never did. I never heard of him attempting to exercise the rights of citizenship.

Q. What did he claim, during his residence there, to be his status as a citizen? A. Always claimed to be and recognized by the people up there as a citizen of the Cherokee Nation.

Examination by the Commission.

Q. How far is Caney, Kansas, from the Cherokee line?

A. The corporation limits are just about half a mile from the Cherokee line.

Q. Now, you say that Jones went there, to Kansas, in 1898, to the best of your recollection? A. It isn't my recollection but from what the others say and from seeing him there at that time.
Q. Mr. Jones says he went there in the fall of 1896. Is he more likely to be correct? A. Altogether so, because I was away from home a great deal of the time.
Q. If he says it was the latter part of June or early July, 1898, when he first went to Dewey to buy grain, is he more liable to be correct about the time he went than you are? A. Altogether so. I have no specific remembranne of when he went there.
Q. When he went to Dewey and went into the grain business he didn't take his family? A. I understand not.
Q. As a matter of fact he didn't move his family back to the Territory or Cherokee Nation until sometime in the year 1900? A. I expect that would be about the right time. I wouldn't say positively because I can remember.
Q. All you know is that he had his family and kept house--lived up there in Caney, Kansas, for several years? A. Yes, sir.
Q. As to the exact dates when he came back or went to live there you can't postively state? A. No, sir; I wouldn't undertake to be positive at all on that subject.
Q. I believe you said Mr. Jones had a farm up there in the northern part of the Cherokee Nation. Do you know how far that farm was from Caney, Kansas? A. It was about four and a half to five miles. I expect it would extend from four to six. The near part would be possible four and the farther part would be six.
Q. During the time he was in Kansas with his family do you know what he did with that farm? A. Well, I don't, only as I saw men living on it and working on it and he living in Caney.
Q. You don't know that he ever actually cultivated any portion of that farm himself, do you? A. Yes, sir; I have seen him cultivating--seen him driving team and working on the place
Q. Do you know when you saw him, what year? A. No, sir. I wouldn't undertake to tell. I have seen him there. I have seen Mr. Jones for the last 20 years and seen men who were living on the farm, both when he was there and when he was living in Caney. When he was there himself he had renters on the farm and of course had them there when he was away.
Q. As a matter of fact he had more land that he could cultivate himself? A. Yes, sir; he had more than one man could cultivate.
Q. As a matter of fact he rented a good portion of that farm? A. Yes, sir.
Q. And during the first year he was in Kansas he rented all of his farm? A. I presume so. Of course I don't know that as a fact.
Q. How many persons are there in Mr. Jones's family? A. I have no knowledge of any other than himself, his wife and his daughter. Their daughter is a blind child.
Q. His wife and daughter are both living with him at this time, are they; living with him? A. Yes, sir; I understand they are. They have always been with him and constituted his family, as I understand it.
Q. Isn't it a fact that Mr. Jones moved to Caney, Kansas, principally on account of this daughter and not on account of his wife's health? A. That would not be my understanding or my information. Of course both of those things might have entered into his purpose but Mrs. Jones had occasion to be treated with physicians a great deal. She was away from neighbors and her ailments were such that they required female nursing and of course where they lived in the Territory there was scarcely a house near her.

Q. During the time Mr. Jones was in Caney, Kansas, he paid taxes? A. I suppose he paid taxes on any property that he had. Whether he was a non-resident would be immaterial so far as taxes were concerned.
Q. You don't know whether he had any personal property?
A. I understand not. I don't think he had any personal property in the state that would be subject to taxation.
Q. You say he never exercised any political right, such as voting? Can make that positive statement? A. No, I think I said to my knowledge.
Q. Your statement about his voting would not be any more definite than your statement as to his taxes? A. No, my statement is only from my own knowledge.

J. E. STONE, being duly sworn, testified as follows:
Examination by Mr. Norwood.

Q. Give your name, age and residence? A. J. E. Stone, Caney, Kansas.
Q. How long have you lived in Caney, Kansas? A. About 32 years.
Q. Lived there during all this time? A. With the exception of five years I lived in Independence, Kansas.
Q. Do you, at this time, hold any office under the United States government? A. Yes, sir.
Q. What is it? A. Postmaster at Caney.
Q. How long have you been Postmaster? A. Nearly five years.
Q. Are you acquainted with M. C. Jones, the applicant in this case? A. Yes, sir.
Q. How long have you known him? A. Well, I would say probably 20 years or more. Perhaps more than that.
Q. During this 20 years where as Mr. Jones resided?
A. Nearly all the time in the Cherokee Nation, south and east of the city of Caney; a larger portion of the time, at least.
Q. Where, the balance of the time? A. Why, he resided in Caney. The dates I am not able to say. I would say some three years back. May be more. I don't recollect the date when he came there or the date when he left.
Q. Do you know where he has resided since 1895? A. Well, I will say that he resided a portion of the time since 1895 in Caney. Whether he came in 1895 I couldn't say.
Q. During his residence in Caney was he recognized as a citizen of the state of Kansas or of the Territory? A. My understanding has always been that he was a citizen of the Cherokee Nation. Of course while he was living in Caney he was a resident of Caney.
Q. Did he, to your knowledge, exercise any political rights in the state of Kansas by voting or holding office? A. Not to my knowledge.
Q. You have taken part, have you not, in all the political affairs of the town; elections? A. Yes, sir; reasonably so.
Q. If he had done so you would have had a good reason to know?
A. I think I would probably know.
Q. Do you know what he claimed to be during that time, a citizen of the nation or of the state? A. I know he always claimed to be a citizen of the Cherokee Nation.
Q. He always claimed to be a citizen of the Cherokee Nation?
A. Yes, sir.
Q. He did that in any business matter or political matters or anything else; he always claimed to be a citizen of the Cherokee Nation? A. That was my understanding; always.
Q. Are you acquainted with the health of his wife during his residence in Caney? A. Not personally; from what I have heard from others.

Q. From your information what was the nature of her health?
A. Why, it was poor; bad. Her appearances indicated that. Rather a frail woman, a frail appearing woman.
Q. Do you know that he held property in the Cherokee Nation while he resided in the state of Kansas? A. I know this, I have been upon the place that he claimed to me was his and others have told me that it was Jones's place. Aside from that I don't know anything about it.
Q. So from your personal knowledge of his property and his farm, he never moved his effects from the Cherokee Nation into the state, did he? A. Well, I don't know as I could answer that question, Mr. Norwood, otherwise than saying that he had property there, a team and buggy, perhaps a cow and some household effects.
Q. That was in the states? A. That was in the states.
Q. Now, then, did he have any in the Territory? A. Now, I couldn't say. I don't believe I was upon the place enough to know that he had on the place. I know I heard him talk about his place. I heard him say he had to go out such a time and look after the stock.
Q. Do you know, during his residence there, that he refused to vote on state or county matters? A. I am so informed. I don't believe I have any personal knowledge of it.

Examination by the Commission.

Q. Mr. Jones has lived in the town of Caney, Kansas, several years since 1896, hasn't he? A. He lived there several years but I wouldn't attempt to say the date he came in.
Q. It is since 1895? A. I would think so. That is my judgment.
Q. He had a house there? A. Yes, sir.
Q. He owned the house? A. I don't know about that. I never examined the title to see whether he owned it or not. I understood he did.
Q. He had furniture and kept house, did he? A. I think so; yes, sir.
Q. His wife and daughter there with him? A. Yes, sir.
A. And they remained there in town during the time they were living there? A. Yes, sir.
Q. They never lived on the farm during the time they stayed at Caney? A. I don't know that they did.
Q. How long have they been away? A. I think it was something like two years ago.
Q. That would make it sometime in 1900? A. Yes, sir; that is the best of my recollection.
Q. You have never been tax collector up there in your town, have you? A. No, sir.
Q. You don't know what property he has paid taxes on in town?
A. No, sir; I don't.

Examination by Mr. Norwood.

Q. Do you know other families of the same character; who live there but claim to be citizens of the Cherokee Nation?
A. There are families living there who are understood to be citizens of the Cherokee Nation.
Q. Can you name one? A. Mr. S. A. Bell is one.
Q. Any others? A. Mr. Goodman, I think.
Q. Any other? A. Mr. Edwards lived there at one time. What date Mr. Edwards residence is I don't know.
Q. They claimed to have farms in the Cherokee Nation and resided in Caney, did they? A. Yes, sir.
Q. Isn't it a fact that some are still living there? A. Mr. Bell is and Mr. Goodman's family is. Whether he makes it his home I don't know.
Q. They have lived there principally since 1898, haven't they?

Q. Well, Mr. Edwards has been gone some little time? A. I think longer than Mr. Jones. Mr. Bell is living there yet, and as I say, Mr. Goodman's family is living there. I don't know where he claims his residence.
Q. Isn't it a fact that these men, that you have mentioned here, have owned property there in Caney, realestate, and actually been engaged in business in that town? A. I can't answer that only this way, Mr. Norwood, that Mr. Bell was engaged in business there and Mr. Edwards owns property there; I think he bought it to live in. and Mr. Goodman, I think, built property there. It is as with Mr. Jones, I don't know the title. They claim to own it and I suppose they do.

Examination by the Commission.
Q. Do you know how long since Mr. Edwards left Caney, Kansas?
A. My judgment is he left before Mr. Jones did.
Q. How long before? A. I should say a year; yet I might be wrong. That would be my judgment.

SIDNEY M. BROWN, being duly sworn, testified as follows:
Examination by Mr. Norwood.
Q. State your name, age and residence. A. Sidney M. Brown. Caney, Kansas, is my post office, I reside in the Territory. My age is 37.
Q. You may state whether you are a citizen of the Cherokee Nation?
A. I am not a citizen of the Cherokee Nation.
Q. Well, in what capacity do you live there then? A. Well, I rent.
Q. You are a tenant? A. Tenant.
Q. Whose farm have you lived upon for the last few years?
A. A man by the name of Thomason, for the last two years.
Q. Are you acquainted with M. C. Jones, the applicant here?
A. Yes, sir; I am.
Q. Have you ever lived upon his farm? A. Yes, sir.
Q. State when and how long. A. I moved onto his farm in '96, in the spring. I have lived there ever since, until he sold the farm I lived on to this man Thomason.
Q. You still live on the same farm? A. Yes, sir.
Q. So you have lived for 12 years on this farm? A. Yes, sir.
Q. Where has Jones resided since 1895? A. Well, he has lived part of the time in Caney and part of the time in the Cherokee Nation.
Q. When did he go to Caney; that is go there to reside with his family? A. I don't just remember the date he went there. I suppose about '98 or 9. I don't remember the dates.
Q. When he went there to reside did he take his effects with him; that is, I mean all his property? A. No, sir.
Q. Did he still maintain his farm in the Territory while he was there at Caney? A. Yes, sir.
Q. You were his tenant? A. Yes, sir; I was one of them.
Q. Did he have any personal property there on that farm?
A. Yes, sir.
Q. You may state what personal property he left there?
A. He had horses and cattle.
Q. Implements? A. Implements; farm implements.
Q. How did you rent his farm, from year to year? A. From year to year.
Q. Made a new contract every year; had a new understanding?
A. Yes, sir.

Q. Did you obtain permits from the Cherokee Nation as an employe of Jones up to 1898? A. Yes, sir.
Q. In what manner did you get these permits or how did you get them? A. Mr. Jones, himself, issued the permits.
Q. He was acting in the capacity of deputy or something of that character, was he? A. Yes, sir.
Q. Now, what was the state of health of Jones's wife at the time he moved to Kansas? A. Well, it was very poor.
Q. What was the character of the facilities for medical attention and nursing in that neighborhood? A. Well, it was very poor. We lived a great ways from any physicians.
Q. To whom did you pay rent up to the time Jones sold the place, two years ago? A. Mr. Jones.
Q. He always received the rent? A. Yes, sir.
Q. Did he spend any portion of his time out on the farm during the time he resided in Caney? A. Yes, sir.
Q. Looked after his property and ~~ex~~ effects out there?
A. Yes, sir.
Q. He was there often, was he, on the place? A. Yes, sir; he was there quite often.
Q. He directed all the affairs of the farm; everything?
A. Yes, sir
Q. Did he, during that time, construct any improvements; that is by way of fences or houses. Anything in the line of improvements, during the time he resided in Caney? A. Not any more than some fences. I think he put up some fences, probably.
Q. Did he, during this time, claim in any manner that he had abandoned his rights in the nation and had gone to the state to live? A. No, sir; he didn't.
Q. Did he always claim that he was a citizen of the Cherokee Nation? A. Always claimed that he was a citizen of the Cherokee Nation.
Q. How was he considered by the people in the community; citizen or non-citizen? A. A citizen of the Cherokee Nation.
Q. He is living in the Cherokee Nation at the present time?
A. Yes, sir.
Q. Him and his wife are living together? A. Yes, sir.
Q. He sold this farm, then, that you speak of, within the last two years, or about two years ago? A. Well, about 2 years, I think.
Q. And he has been living in the Cherokee Nation ever since or before that time, has he not? A. Yes, sir.
Q. You know where he lives at the present time, do you?
A. At Dewey.
Q. Do you know who constituted his family, what the members of his family were? A. His wife and daughter, a blind girl.
Q. What was the condition of the daughter? A. She was blind.
Q. Totally blind? A. Yes, sir.
Q. And his wife in an unhealthy state? A. Yes, sir.
Q. Have you any reason to know, from his statements, conduct or condition of his family, why he moved to Caney?
A. Well, not other than for the benefit of his family.
Q. I understand it is scarcely settled there, not many people.
A. Not many people there.

Examination by the Commission.

Q. I understood you to say that you went there at first in about 1892 to rent from Mr. Jones? A. 1890.
Q. Did you rent the first year you went there? A. Yes, sir.
Q. Have you rented that same piece of land all the time up to the present time? A. Yes, sir.
Q. You have rented it since he sold it from the man that bought it? A. Yes, sir.

Q. Now, then, during the time that Mr. Jones resided in Kansas you say he directed the farm? A. Yes, sir.
Q. Did he direct the part of the farm that you rented?
A. Yes, sir.
Q. What connection did he have with it? A. He received the rents.
Q. That is all. He didn't direct what crops you should plant and how you should cultivate it, anything of that kind? A. No, sir. Not like that.
Q. There were other renters in the same neighborhood, of Mr. Jones? A. Yes, sir.
Q. Did he direct them any more than he did you? A. Part of them.
Q. Then he cropped on shares with them, didn't he? A. Yes, sir.
Q. From the time Mr. Jones went to Caney, Kansas, in 1895 or '96, as you say, and took his family to Caney, he never did move his family back on the farm after he had them to Caney, Kansas, did he; to live, I mean? A. No, I don't think he did. I have no recollection that he did.
Q. When he finally moved back to the Cherokee Nation didn't he move to where they live now, at or near Dewey? A. I think so.
Q. He sold that farm about two years ago? A. Something about that time, I think.
Q. His family were living in Caney when he ~~sold~~ sold the farm, were they not? A. I think so. My best recollection is they were.
Q. These men that made crops on shares for Mr. Jones, did they use Mr. Jones's work stock in making the crop? A. Yes, sir.
Q. You didn't crop any on what they call shares? A. No, sir.
Q. Did you use your own teams or use Mr. Jones's team?
A. I used my own teams.
Q. But there were others on the farm that did use Mr. Jones's teams? A. Yes, sir.
Q. And Mr. Jones for a certain part of the crops for the use of the teams? A. Yes, sir.

Examination by Mr. Norwood.

Q. Mr. Brown, did Mr. Jones sell the part of the farm that you kept and still keep while he was living there in Caney or was it after he went down to Dewey? A. I don't just remember the exact date but I think it was while he was in Caney.
Q. It was a part of the farm that you lived on now and that you had lived on previously that he sold to this man Thomason.
A. Yes, sir.
Q. State where, with reference to that place, what he calls his home place is; where he lived himself before he went to Caney.
A. Well, what he called his home place is about two miles southeast from this place.
Q. Further from Caney? A. Yes, sir.
Q. How far is that place, what he calls his home place, from Caney, as near as you can fix it? A. Six miles.
Q. Now, his home place, what he calls it, he never sold to this man Thomason? A. No, sir.
Q. It was only the part you lived on, or on another part of the improvements? A. Yes, sir.

At the request of the Cherokee Nation, this case is continued until Saturday, November 15th, 1902, for the purpose of taking additional testimony on the part of the Cherokee Nation, and also the applicant, is he desires to offer any at that time.

[illegible]

Jno. O. Carr

[illegible]

B. C. Jones

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 8 1902

ACTING CHAIRMAN

Cherokee 5269.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of Phillip G. Sweeten for the enrollment of himself and child, Emma P. Sweeten, as citizens by blood, and for the enrollment of his wife, Annie Sweeten, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Phillip G. Sweeten.
Q What is your age? A About thirty-six.
Q What is your postoffice? A Inola.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About fourteen years.
Q What is your wife's name? A Annie.
Q When were you married to her? A We have been married about six years; we married in May.
Q In May '94? A Yes, I guess it was.
Q You have been married about eight years have you, was it in '95 you were married? A We haven't been married but about six years.
Q Had your wife, Annie, ever been married before? A Yes sir.
Q What was her first husband's name? A Brown is my understanding.
Q Was he a white man? A Yes sir.
Q Was he dead when you married her? A That is my understanding, I never have seen him.
Q It is your understanding; had they been divorced do you know? A I don't know whether they were or not.
Q You don't know anything about it? A I don't know anything about him at all.
Q Was he living when you married Annie? A I don't know, I never saw him but once or twice in my life.
Q When was the last time you saw him? A It has been ten years.
Q That was before you married Annie? A Yes sir.
Q Was he her husband when you saw him? A No sir; I never did see him after he was married.
Q You don't know whether Brown was living after you married Annie or not? A No sir.
Q You don't know whether they were divorced? A No sir.
Q Were you ever married before? A No sir.
Q How many children have you? A I haven't got any; I did have but it died.
Q Emma? A Yes sir.
Q When did Emma die? A It was last spring, I don't recollect what month.
J.C.Starr: What is the name of your wife's former husband? A Brown is my understanding.
Q What is his full name? A I don't know anything about him; I never saw him but a few times in my life.
Q Where did he live? A He came close to Alluwe, and then he went to the Osage Nation; I don't know anything about him.
Commission: Have you any witnesses who know anything about your wife's first marriage? A No sir, not here, unless that man there knows (indicating).

J. T. Bibles, being sworn and examined by the Commission, testified as follows:
Q What is your name? A J. T. Bibles.
Q How old are you? A Forty-three years old.
Q What is your postoffice? A Talala.
Q Are you a Cherokee by blood? A Yes sir.
Q Do you know Phillip G. Sweeten? A Yes sir.
Q Do you know his wife, Annie Sweeten? A Yes sir.

Q Did you know his wife's former husband, a man by the name of Brown? A Yes sir, I have seen him several times.
Q Do you know what his first name was? A They called him Charley Brown I believe.
Q Do you know whether Charley Brown is dead or not? A No, I couldn't say.
Q When was the last time you saw him? A I don't know just when the last time was I seen him; I aint seen him since right away after he and her were married.
Q After Annie Sweeten? A Yes sir, it is now Anie Sweeten.
Q You saw them after Phillip G. and Annie Sweeten were married? A No sir, after Brown was married; I haven't seen him since.
Q You know how long they lived together? A No sir, I don't know.
Q Do you know they separated? A Yes sir.
Q Do you know whether there was any divorce between them? A No sir.
Q When did you last hear about Brown? A I couldn't say what year it was, I don't know. He went to Kansas.
Q Did you hear about him after the marriage of Phillip Sweeten and his wife, Annie? A No sir, I haven't.
Q Did I understand you to say you heard about Brown going to Kansas? A That is the last account I heard of him, that was when he and this woman were first married.
Q That was before the marriage of Sweeten? A Yes sir. I haven't heard of him since.
Q How long before Sweeten's marriage was that, do you know? A It must have been some two years, something like it, I don't know exactly how long.
Q Brown was a white man was he? A Supposed to be, yes.
Q And you don't know of any divorce between Brown and his wife, Annie? A No sir.
J.C.Starr: How long after the separation of Brown and Annie was it until Annie married Sweeten? A I couldn't answer that question, I don't know how long it was.
Q About how long? A I haven't any idea.
Commission: Didn't you tell me it was two years? A No, I reckon not.
Q You know what was the cause of the separation? A No, I don't.
Q You simply know they separated? A Yes sir.
Applicant recalled and examined by J. C. Starr: Mr. Sweeten, did you know this man Brown before you married your wife? A No sir.
Q Didn't know him? A I had never seen him but a few times. He moved in there in the fall, in the winter, and I went to Texas to see my mother and I was making my home with uncle George Bibles then, and I went to see my mother in Texas and when I come back here he was gone.
Q How long were you gone to Texas? A About two months.
Q And you saw Brown just before you went to Texas; was he living with your wife then? A No sir, he was a single man then.
Q Was that before he married her? A Yes sir.
Q When was he married to her? A In the Osage some time I think.
Q They were married after you went to Texas? A Yes sir, they were married while I was in Texas.
Q How long after they separated was it until you married this woman? A Why it wasn't quite two years I guess, I don't recollect exactly.
Q Was it less than two years? A I don't know whether it was or not; I don't know anything about Brown, when they got married or anything about that.
Q Did you ever see Brown after you married this woman? A No sir.
Commission: Did you believe Annie was single when you married her? A Yes sir.
Q What made you think that, you knew she had a former husband? A I had never seen them since he was married.
Q Didn't you know she was Brown's wife at one time? A No sir, I heard it said, but I didn't know it.

[illegible] by [illegible] to me.

[illegible] was [illegible] at the time you [illegible] the [illegible] after I was [illegible] it.

[illegible] in the [illegible] Bridge [illegible]

[illegible] in the report that that [illegible] of [illegible] 's book of hours [illegible] Sir.

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The undersigned, being duly sworn, states that he is [illegible] to the Commission to the Five Civilized Tribes, [illegible] the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

R. G. Rothwarger

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

B. O. Jones

Notary Public.

DEPARTMENT OF
COMMISSIONER

Cherokee 2873.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of Ellis Moore for the enrollment of himself and child, Ellen E. Moore, as citizens by blood, and for the enrollment of his wife, Mary J. E. Moore, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Ellis Moore.
Q How old are you? A About forty-four.
Q What is your postoffice? A Whitebeck new.
Q Are you a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation for the last twenty-two years? A Yes sir.
Q What is your wife's name? A Her name is Mary Jane Elizabeth Gordon was her name.
Q How old is she? A About forty-five.
Q She was your wife in 1880 was she? A Yes sir.
Q Have you and your wife been living together since 1880? A Yes sir.
Q Never been separated? A No sir.
Q You were living together on the first day of last September, were you not? A Yes sir.
Q Your wife is living now? A Yes sir.
Q You have one child living at home with you? A Yes sir, just one, a girl.

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

B. L. Rothenberger

Subscribed and sworn to before me this 8th day of November, 1902.

B. O. Jones
Notary Public.

Cherokee 1168.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1908.

In the matter of the application of Jack W. Rider and children, Austin V., Ida P., G. Agnetus and Thomas Needles Rider, as citizens by blood, and for the enrollment of his wife, Agnes M. Rider, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Jack W. Rider.
Q How old are you? A About forty-two.
Q What is your postoffice? A Sallisaw.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A Born and raised here.
Q Lived here all your life have you? A Yes sir.
Q What is your wife's name? A Agnes M.
Q How old is she? A About thirty years old.
Q Is she a white woman? A Yes sir.
Q When were you married to her? A In '90 as well as I can recollect, or '91.
Q Is Agnes your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q Neither you nor your wife were ever married before? A No sir.
Q Have you and your wife been living together ever since you married her? A Yes sir.
Q Never been separated? A No sir.
Q You were living together on the first day of last September? A Yes sir.
Q How many children have you? A Four.
Q Living at home with you? A They are living with me. The oldest child is dead.
Q You didn't apply for that child, it died some years ago? A Yes sir, three or four years ago.
Q Who married you? A Oscar Adair; he was District Judge of Sequoyah District.
Q Did he give you a marriage certificate? A No sir.
Q Can't you get a marriage certificate of Judge Adair? A I don't know how I could.
Q If he is living he can give you one? A Yes.
You will be required to get a certificate and file it with the Commission.

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

R G Rothwurzel

Subscribed and sworn to before me this 5th day of November, 1908.

B O Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 8 1902

ACTING CHAIRMAN.

Cherokee 2752.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of William T. Collier for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Bettie, and children, Maggie B., Missouri A., Jasper N., Allice M. and William A. Collier, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A William T. Collier.
Q How old are you? A Forty-two.
Q What is your postoffice? A Pryorcreek.
Q Are you a white man? A Yes sir.
Q You are claiming as an intermarried citizen are you? A Yes sir.
Q What is your wife's name? A Bettie.
Q Is she the wife through whom you claim your citizenship? A Yes sir.
Q When were you married to her? A In '94.
Q Were you married under a Cherokee marriage license? A Yes sir.
Q Was your wife, Bettie, ever married before she married you? A Yes sir.
Q How many times? A Twice.
Q Was her former husbands white men or Cherokees, do you know?
A I think they were both white men.
Q Were they both dead when you married her? A No sir, neither one of them.
Q Were they divorced? A Yes sir.
Q Both of them? A Yes sir.
Q When was she divorced from her first husband? A She was divorced in'93 from her first husband.
Q What was his name? A I can't call it now,— George Williams.
Q She was divorced from George Williams in 1894 was she? A Yes sir.
Q In what court? A In Claremore Cherokee Court.
Q Who was her second husband? A Emery Thompson.
Q When was she married tohim? A She was married to him I think it was in '95; she didn't live with him hardly a year.
Q They are divorced? A Yes sir.
Q Who sued for the divorce do you know? A She sued for the divorce herself.
Q She brought the suit? A Yes sir.
Q And when was she divorced? A She got the divorce from both of them at the same time.
Q She got the divorce from both of them at the same time? A Yes sir.
Q She wasn't divorced from her first husband when she married her second? A No sir, she wasn't if I understand it right.
Q That was in '95? A Yes sir.
Q When did you marry her you say? A In '94. She sued for the divorce in '94, along in September.
Q In '94 in September she got a divorce from both of her husbands?
A Yes sir.
Q When did you marry her you say, in '95? A No sir, in '94.
Q What time in '94? A The 30th of September.
Q Did you ever file a copy of the decree of divorce? A No sir.
Q Did you oversee it? A No sir, Mr. Norwood was the lawyer.
Q Well, you will have to write to the Secretary of the Cherokee Nation and get copies of both of those decrees between your wife and her two husbands and send it to the Commission.

W. William T. Sellers.

Commission: What was your wife's first husband's name? A George Williams.
Q Where does he live? A Chelsea.
Q What was the name of her second husband? A Henry Thompson.
Q Where does he live? A He is living on Panther Creek the last I heard of him.
Q Near what place? A Claremore.
Commission: Have you and your wife, Nettie, been living together ever since you were married? A Yes sir.
Q Never been separated? A No sir.
Q Have you made your home in the Cherokee Nation ever since you married your wife? A Yes sir.
Q How many children have you? A Five altogether.
Q Not by your wife, Nettie? A No sir, three by her.
Q Andthe other two? A They are here before we were married.
Q By her first husband? A Yes sir.
Q Or by her second? A One by her first and I guess the other by her second as far as I know.
Q They are all living are they? A Yes sir.

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

E. L. Rothenberger

Subscribed and sworn to before me this 8th day of November, 1902.

B. O. Jones
Notary Public.

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

FILED
NOV 8 1902

ACTING CHAIRMAN.

Cherokee 2751.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of James A. Jackson for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his ward, Lidda Downing, as a citizen by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A James A. Jackson.
Q How old are you? A I will be fifty-nine in November.
Q What is your postoffice? A Pryorcreek.
Q Are you a white man? A Yes sir.
Q Your name appears on the 1880 roll as an adopted white citizen does it? A Yes sir.
Q What is your wife's name? A Susan Bibles, before I married her.
Q Was she your wife in 1880? A Yes sir.
Q Is she dead? A Yes sir.
Q When did she die? A She has been dead about 12 years.
Q Did you live with your wife from 1880 up until she died? A Yes sir.
Q Never were separated? A No sir.
Q Lived in the Cherokee Nation? A Yes sir.
Q Have you married since the death of your wife? A Yessir, I married another Cherokee woman.
Q What was her name? A Stucker.when I married her.
Q What is her first name? A Minerva.
Q Is she a Cherokee by blood? A Yes sir.
Q Is she living? A No sir.
Q When did she die? A About two years ago.
Q When did you marry her? A I married her threeyears ago.
Q You married her about three years ago? A About three years ago.
Q You lived with her about a year? A Yes sir.
Q Was Stucker her maiden name? A No sir, she was a Ward, her first name.
Q Her maiden name was Ward was it? A Yes sir.
Q What was her mother's name? A I couldn't tell you anything about her mother.
Q Was your second wife on the 1880 roll? A Yes sir.
Q Under what name, Ward? A I couldn't tell; she had been married seven or eight times before I married her.
Q How long had you known her? A I have known her the last thirty years I guess.
Q She had lived in the Cherokee Nation all that time had she? A Yes sir.
Q Who is Lydia Downing? A That is a girl I raised.
Q What is her mother's name? A Quatie Downing.
Q Was she a Cherokee by blood? A Yes sir.
Q Is this Lidda Downing a full-blood Cherokee? A Yes sir; she claims to be.
Q How old is she? A She is going on nineteen.
Q Has she lived in the Cherokee Nation all her life? A Yes sir, I got her when she was eighteen months old.
Q She has lived with you all the time? A No sir; just for the last two or three years she quit me.
Q But in the Cherokee Nation she is living? A Yes sir.

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R-James A. Jackson et al.

The undersigned, being duly sworn, states that he 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. G. Rothwiberger

Subscribed and sworn to before me this 8th day of November, 1902.

B. O. Jones

Notary Public.

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

FILED

NOV 8 1902

Acting Chairman.

Cherokee 6278.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of Elisha Mathis for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Elisha Mathis.
Q How old are you? A I am about fifty-four or five.
Q What is your postoffice? A Sallisaw.
Q Are you a white man? A Yes sir.
Q You are on the 1880 roll as an intermarried white are you? A Yes, I am.
Q What was your wife's name in 1880? A She was Ellen Mathis.
Q Is Ellen Mathis living? A No sir.
Q When did she die? A She died, I can't tell you what year now, but she has been dead several years.
Q Did you live with her all the time from 1880 until she died? A Yes sir.
Q Never were separated? A No sir.
Q Have you married since her death? A Yes sir.
Q What is your present wife's name? A Her name is Nancy.
Q When did you marry Nancy? A Here about three years ago.
Q Is Nancy Mathis a Cherokee citizen by blood? A Yes sir.
Q She a full blood Cherokee? A She claims to be a full blood.
Q Does she look like a full blood? A Yes sir.
Q How long has she been living in the Cherokee Nation? A She was born and raised here.
Q Lived here all her life? A I guess so she has, I don't know it.
Q How long have you known her? A I have known her for- I reckon fifteen years.
Q Has she been living in the Cherokee Nation for the lastfifteen years? A Yes sir.
Q How old is she? A I don't know exactly, about thirty or forty somewhere along there.
Q Is Nancy your second wife or third wife? A She is my third wife.
Q Who is your second wife? A Lydia Smith.
Q Was she a white woman? A No sir, she was a Cherokee.
Q When did you marry her? A I married her right about '92; I can't tell the dates.
Q Was that after the death of your first wife? A Yes sir.
Q Is she dead? A Yes sir.
Q When did she die? A She died about five years ago.
Q You lived with her from '92 up until the time of her death? A Yes sir.
Q You say she was a Cherokee? A She claims to be a Cherokee.
Q Lydia Smith was her name? A What is what she claimed to me; that is how I married her.
Q Do you know who her mother and father were? A She said her mother died when she was little; she don't know much about her folks.
Q You know the name of her mother? A No sir.
Q You know the name of her father? A She told me it was Isaac Smith.
Q Had she any brothers or sisters do you know? A She had two brothers and one sister she told me.
Q Do you know their names? A She called one of them Isaac Smith, her brother.
Q How old was Lydia Smith when you married her? A About thirty or thirty-five.
Q Had you known her long before you married her? A No sir.

2-Elisha Mathis.

Q Was that about why did she? A Somewhere about there.
Q Were you married then? A Yes sir.
Q Are you living with your wife? A Yes sir.
Commissioner: Did your second wife ever draw any money from the Cherokee Nation? A Yes sir.
Q What payment? A The strip payment.
Q 1894? A Yes sir.
Commissioner: That was while you were living with her? A Yes sir.
Q Do you know if your second wife, Lydia Smith, is on any of the tribal rolls of the Cherokee Nation? A Well, I don't know, they claim that her name was on when the strip payment.
Q. G. Shaw: Who drew her money for her in 1894? A She went and drew her money herself.
Q Where did she draw it? A Went to Gibson, I was there with her.
Q Was that all the money she ever drew? A I couldn't tell you anything about that, she drawed the best right money.
Commissioner: In what year did she die, in '98 or '97? A I couldn't tell you, I never kept any dates.
Q Do you remember whether it was before the 1896 roll was made? A When it comes to dates I can't tell anything about that, I can't read or write.
Q You don't know her mother's name? A I never heard her call her mother's name.
Q Had Lydia Smith ever been married before she married you? A Not that I knew of.
Q Lydia Smith that was her maiden name? A She told me so; that was her father's name.

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

E. G. Rothenberger

Subscribed and sworn to before me this 8th day of November, 1902.

B. O. Jones
Notary Public.

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

FILED
NOV 8 1902

ACTING CHAIRMAN.

Cherokee D-555.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of Nancy Patrick for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Rachel, Eliza, Lucy and Fannie Patrick, as citizens by blood of the Cherokee Nation.

George W. Patrick, being sworn and examined by the Commission, testified as follows:

Q What is your name? A George W. Patrick.
Q How old are you? A Fifty-two.
Q What is your postoffice? A Wann.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife's name? A Nannie Patrick, or Nancy; we call her Nannie.
Q Is Nancy Patrick a white woman? A Yes sir.
Q When were you married to her? A In '89.
Q Had Nancy ever been married before she married you? A No sir.
Q Never had? A No sir.
Q Had you been married before you married Nancy? A Yes sir.
Q Was your first wife a white woman? A No sir.
Q She was a Cherokee was she? A Yes sir.
Q Is she dead? A Yes sir.
Q Did she die before you married Nancy? A Yes sir.
Q Have you and Nancy been living together in the Cherokee Nation ever since you married her? A Yes sir.
Q How long have you lived in the Cherokee Nation altogether? A Well I been here for fifty-two years.
Q Continuously? A Yes sir, born and raised here.
Q You and Nancy have never been separated have you? A No sir.
Q Were you living together on the first day of last September? A We were.
Q How many children have you by Nancy? A Five.
Q James Joshua is Nancy's child? A Yes sir.
Q Are these children living at home with you? A Yes sir.
Q You have three children by your first wife? A No sir, I am living with my third wife.
Q You were married twice before you married Nancy? A Yes sir.
Q Were both of your former wives dead when you married her? A Yes sir.
Q So that you got three children by your former wives? A Two by my first wife and two by my second living with me.
Q What are their names? A The first one named John by my first wife, and Ida and Aleck by my second wife; they were Cherokees.
Q Eight children altogether? A Yes sir.
Q They are all living? A Yes sir.
Q All living in the Cherokee Nation? A All living right with me.
J. C. Starr: What is the name of your first wife? A She was a Keys.
Q What was her full name? A Paulina.
Q Where were you and she married? A I married her in Tahlequah District up there on Caney.
Q Did you live with her until she died? A I did.
Q Where were you living when she died? A Down in Illinois District, down at Braggs, close to Braggs.
Q What was the name of your second wife? A She was a Langley.
Q Her full name? A Nancy Langley.
Q Where were you and she married? A Married by Braggs in Illinois District.

Q Did you live with her until she died? A I did.
Q Where were you living when she died? A Right there at the same place.
Q Were both of these wives dead when you married your last wife? A They were.
Q Was your last wife ever married before you married her? A No sir.
Q How about your other wives, were either one of them ever married before you married them? A No sir.

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

B. F. Rothenberger

Subscribed and sworn to before me this 6th day of November, 1903.

R. O. Jones
Notary Public.

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

FILED
NOV 8 1902

Acting Chairman.

Cherokee 4286.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of Charles W. Costen for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his child, Mary E. Costen, as a citizen by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Charles W. Costen.
Q How old are you? A Thirty-six years old.
Q What is your postoffice? A Wann, Indian Territory.
Q Are you a white man? A Yes sir.
Q You are claiming as a citizen by intermarriage? A Yes sir.
Q What is your wife's name? A Elmira Patrick before I married her.
Q She a Cherokee by blood? A Yes sir.
Q Is she living or dead? A She is dead.
Q When did you marry Eliza Patrick? A In 1893.
Q Were you married under a Cherokee marriage license? A Yes sir.
Q Was Eliza your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q How long did you live with her? A Lived with her until 1898.
Q She died in 1898 did she? A Yes sir.
Q You and your wife were never separated during her life time? A No sir.
Q And you married since her death? A No sir.
Q Have you been living and making your home in the Cherokee Nation ever since you married your wife? A Yes sir.
Q How many children have you? A One.
Q Living? A Yes sir.

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

B. G. Rothenberger

Subscribed and sworn to before me this 8th day of November, 1902.

B. E. Jones
Notary Public.

Cherokee 1534.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of George W. Hampton for the enrollment of himself and children, Charlie E., Mary E., Walter A. and Sadie Hampton, as citizens by blood, and for the enrollment of his wife, Maggie Hampton, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A George W. Hampton.
Q How old are you? A About forty-eight or nine years old.
Q What is your postoffice? A Ballisaw.
Q Are you a Cherokee by blood? A Yes sir.
Q Have you been living in the Cherokee Nation ever since 1880? A Yes sir.
Q Haven't made your home outside of the Cherokee Nation? A No sir.
Q What is your wife's name? A Maggie.
Q She a white woman? A Yes sir.
Q She claims her citizenship through you? A Yes sir.
Q When were you married? A In 1889.
Q Is Maggie your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and Maggie been living together evernince 1889? A Yes sir.
Q Never been separated? A No sir.
Q And you were living together on the first day of last September? A Yes sir.
Q How many children have you? A Four.
Q Four children living withyou? A Yes sir.

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

R. G. Rothenberger

Subscribed and sworn to before me this 7th day of November, 1902.

B. O. Jones
Notary Public.

Cherokee 2867.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1903.

In the matter of the application of John Jackson for the enrollment of himself and children, Viola, Bertha M., James A. and Mary Jackson, as citizens by blood, and for the enrollment of his wife, Laura Jackson, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A John Jackson.
Q How old are you? A 29 years old.
Q What is your postoffice? A Fryecreek.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q Never lived out? A No sir.
Q What is your wife's name? A Laura Jackson.
Q How old is she? A She is twenty-three years old.
Q Is she a white woman? A Yes sir.
Q Does she claim her citizenship through you? A Yes sir.
Q When were you married to her? A In '94.
Q Is Laura your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and Laura been living together since 1894? A All but about seven months of the first year.
Q Were you separated during those seven months? A Yes sir.
Q What was the trouble? A There wasn't very much trouble at all; we just disagreed a little.
Q Did you leave her or she leave you? A She left me.
Q You been living together ever since '95? A Yes sir.
Q Living together on the first day of last month? A Yes sir.
Q How many children have you? A Four.
Q All living? A Yes sir.

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

R. G. Robertson

Subscribed and sworn to before me this 7th day of November, 1903.

R. L. Jones
Notary Public.

Cherokee 9618.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of Bate O. Reed for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Bate O. Reed.
Q How old are you? A Forty-four.
Q What is your postoffice? A McKey.
Q Are you a white man? A I am.
Q Are you claiming as an intermarried citizen? A Yes sir.
Q What is your wife's name? A Mollie E. McCoy was her name.
Q When were you married to her? A In the year '90.
Q Were you married under a Cherokee marriage license? A In '90 I was.
Q Is Mollie your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q Did you say you had been married to Mollie before that? A Yes sir.
Q How long had your wife, Mollie, been living in the Cherokee Nation?
A All her life.
Q Have you and your wife, Mollie, been living together since '90?
A Yes sir.
Q Never been separated? A No sir.
Q Were you living together on the first day of last September? A We were.
Q Have you made your home in the Cherokee Nation ever since you married Mollie? A I have; my children have been off at school, Cane Hill, Arkansas, just going to school.
Q But they have made their home with you? A Yes sir, and do make their home with me.
Q Is your wife living? A Yes sir.
Q How many children have you? A Three.
Q They are all living? A Yes sir.

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

B G Rothenberger

Subscribed and sworn to before me this 7th day of November, 1902.

R B Jones
Notary Public.

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

FILED
NOV 8 1902

Acting Chairman.

Cherokee 5834.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of James Guthrie for the enrollment of himself and children, Lucy, Leroy, Hugh and Roy Guthrie, as citizens of Shawnee blood, and for the enrollment of his wife, Grace Guthrie, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A James Guthrie.
Q What is your age? A Fifty-two I believe it is.
Q What is your postoffice? A Chetopa, Kansas.
Q You are an adopted Shawnee are you? A Yes sir.
Q How long have you been living inthe Cherokee Nation? A Came here in '71.
Q Have you been living in the Cherokee Nation ever since? A Off and on ever since. The last time for fourteen years.
Q Continuously for the last fourteen years? A Yes sir.
Q What is your wife's name? A Grace Fosset.
Q She your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q Neither of you married before? A No sir.
Q When were you married to her? A In '77.
Q She is not on the roll of 1880? A No sir.
Q Why not? A She wasn't here at the time.
Q Were you here? A Yes sir, I came here and then went away; I couldn't stay here on account of my health; my lungs were bothering me and I went to Colorado.
Q Why didn't you enroll your wife at the same time? A I didn't think about it; it was negligence.
Q Have you and your wife been living together since? A Yes sir.
Q Ever since you married her? A Yes sir.
Q Never separated? A No sir.
Q Were you living together on the first day of last Septembe ? A Yes sir.
Q Now, how many children have you got? A Four.
Q What are their names? A Lucy, Leroy, Hugh and Roy.
Q Are they your children? A Yes sir.
Q Did you say your wife, Grace, had never been married before she married you? A No sir.
Q How old are these children? A Lucy is twenty-four; Leroy will soon be twenty-one; Hugh is seventeen and Roy is thirteen; I believe that is their ages.
Q You say you were married in '77? A Yes sir.
Q From '77 on where were you living up until 1880? A I lived in Colorado part of the time and part of the time in New Mexico and part of the time in Arizona and part in Wyoming and Ogden, Utah, with my wife; I was in all these places trying to get my health.
Q You came back in 1880 to the Cherokee Nation? A Yes sir.
Q Where from? A From Pueblo, Colorado, a little mining camp called Greenwood; I was down to Hot Springs and I came up through here to see my mother.
Q What were you doing at Hot Springs? A Trying to get my health.
Q Without your wife? A Yes sir.
Q Where did you leave her? A I left her in New Mexico.
Q You left her in New Mexico and went to Hot Springs? A Yes sir, I didn't have money enough to bring her with me.
Q The Cherokee Nation was your home? A Yes sir.
Q But you left your wife in Mexico? A Yes sir.
Q Then you came to the Cherokee Nation? A Yes sir, came up through here and then went back to New Mexico.
Q And in the meantime you enrolled yourself? A No sir, my mother did.

Q Didn't you tell me a while ago that you enrolled yourself? A I said I was enrolled; I didn't say I enrolled myself.
Q You say you didn't enroll your wife? A I said too my mother; I didn't have time to enroll, and I went back to New Mexico.
Q You are quite positive that these four children are yours? A Yes sir.
Q They are not your wife's children by a former husband? A No sir.
Q Are you sure of that? A Yes sir, I am sure of that.
Q And that you married your wife in '77? A Yes sir.
Q Didn't marry her later than that did you? A No sir.
Q You are sure it was '77? A Yes sir, I am sure of that.
Q This wife, Grace? A Yes sir.
By J.C.Starr: Where were you living when you and Grace were married? A At Rosetta, Colorado.
Q Where did your wife's father and mother live when you married her? A They were living in California.
Q What part? A In the central part.
Q What town? A Sacramento. Her father came to Colorado and she came with him; he was a miner, I suppose on a prospecting trip.
Q Who married you? A A justice of the Peace by the name of Smith.
Q What was his first name? A I believe it was John, but I wouldn't be sure.
Q Where did he live? A He lived at the same town, Rosetta.
Q How long did you and your wife continue to live in that town, Rosetta, Colorado? A She lived there I guess a year or eighteen months after that; I went to Canon City and to Silverton and I was back that fall, and the next spring we went to Ouray and then to Salina, Utah, and then back to Ouray from Salina.
Q Where did your wife live prior to your marriage to her? A She lived in Eureka, Nevada; they kept a boarding-house up there, and then they went to Sacramento, and they left there and her father and brother went to Colorado.
Q Where is her father now? A He is dead.
Q Where is her mother living? A She is living in Sacramento.
Commission: How old was your wifewhen you married her? A She was fifteen years old or sixteen.
Q When was your oldest child born? A January 9th, '78.
Q Your child is not on the 1880 roll either? A No sir, there aint any of them on the 1880 roll except me.
J.C.Starr: Where have you been living since your return from these trips? A Up here on Russell Creek.
Q In the Cherokee Nation? A Yes sir.
Q Been living in the Cherokee Nation continuously since then? A In the fall I send my wife and children to school and I stay on the farm and have been. We lived there until we had to send them to school.
Q When did you first locate on your farm near Chetopa? A I lived on my uncle's place quite a while on Russell Creek, Thompson Brown's, I don't know just when it was.
Q Where were you living in 1895? AI was living on Russell Creek.
Q Didn't you live in Chetopa during any part of 1895? A No sir.
Q How about '96? A I was in the Cherokee Nation.
Q Did your wife live in Chetopa during any part of '96? A No sir, she did not.
Q How about 1897? A The fall of '97 I moved her up there to send the children to school and I batched with one of the boys that farmed.
Q What time in 1897? A In September.
Q Did you buy a house and lot there? A I don't own any property there; my wife's mother sent her $150.00 to buy a house and lot there to send the children to school; I couldn't afford to pay rent.
Q That was in 1897? A Yes sir.

Q Did she buy a house and lot there? A Yes sir, a little house and lot at the edge of town.
Q How much of 1897 did she spend there? A All the winter.
Q All the winter of 1897? A Then September she could spend; we had to be there that school spend to send the children there.
Q How about 1898? A She has been there every winter since 1897.
Q Don't it a fact she lived there all the year of 1898? A Yes sir, I wouldn't have believed and learned, I could've guessed she I should come there and did my own working; we haven't had anything but I handed it around I wouldn't have any.
Q Did you have your dwelling in 1898 in Chetopa? A All but my bed.
Q Your wife and children lived all the year 1898 in Chetopa? A They lived there since '97 sending the children to school; we have no schools at our place.
Q Don't you spend most of your time there? A I did in Chetopa some a month, some in two months. I haven't been there over in two months.
Q But your wife and children have been living there since 1897? A Yes sir.
Questions: What is your wife's maiden name? A Grace Pecot.
Q Were you married by a minister? A By a Justice of the Peace.
Q You got a marriage certificate? A Yes sir, but it got washed out by a flood.
Q Is he living, now? A I don't know, may be he is.
Q You better write and get a marriage certificate? A I will do so if I can; I guess he is living there yet.
Q You will be required to do that.

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

E. G. Rutherford

Subscribed and sworn to before me this 7th day of December, 1902.

B. O. Jones
Notary Public.

2533

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[illegible]

[illegible]

[illegible]

[illegible]

Examined by [illegible]

[illegible]

By the Commissioner

[illegible]

[redacted]

[redacted]

[redacted]

B.L. Jones
[redacted]

BCJ

Cherokee D-563.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., August 14, 1903.

In the matter of the application of Miles C. Jones for the enrollment of himself and his wife, Margaret S. Jones, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Cherokee Nation not represented;
Applicant represented by E. B. Lawson.

S. E. BELL, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A S. E. Bell.
Q How old are you? A I am 40.
Q What is your postoffice address? A Bartlesville.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you know Miles C. Jones? A Yes sir.
Q About how old is he? A About 60 I think.
Q What is his wife's name? A Maggie, or Margaret; Maggie they call her.
Q How long have you known Mr. Jones? A I have known him since '91 I believe.
Q Where was Mr. Jones living when you became acquainted with him?
A He was living 7 miles southeast of Caney, Kansas in the Territory.
Q How long did he continue to live at that place? A Well, he lived there until I think '95; he moved up to Caney.
Q Did he takenhis family with him at that time? A Yes sir.
Q How long did he stay in Caney? A He staid there---I think he left there in '99.
Q When he left there in '99, he came back to the Nation, did he?
A Yes sir.
Q Bring his family back with him? A Yes sir.
Q They have been living in the Cherokee Nation ever since?
A Yes sir., been living here ever since.
Q Do you know what he went to Caney for? A No, I don't. He started a hack line I think when he first went up there; run a hack from Bartlesville to Caney; I guess that was his object primarily in living up there.
Q Has he a daughter named Eva P.? A Yes sir.
Q About how old is she? A I think she's about 25 or 26; I don't Know.
Q She was a minor when they lived up there? A I think she was.
Q Did she go to school in Caney? A Yes, she attended school there part of the time and in Kansas City part of the time in a blind school.
Q Is she blind? A Yes.
Q Was the school she attended in Caney a public or private school?
A Public School.
Q Do you know about the school in Kansas City, know whether it is a state institution or a private institution? A I think it was a state school; I am not positive but I think it was a state school, in Kansas City, Kansas.
Q Do you know whether there is more than one public institution for the education of the blind in the State of Kansas?
A No sir.

Q You are not very familiar about that? A No sir.
Q I believe you stated, however, that the school she attended in Caney was a public school? A Yes, that was a public school.
Q When Mr. Jones moved to Caney, did he have any property in the Cherokee Nation? A Yes, he had two farms there and some stock and implements; quite a lot of stuff around on his farm there, horses and cattle.
Q What did he do with that property? A He kept it there on the farm; has some of it yet I think.
Q Does he own the farm yet? A No, he sold it about a year ago; owns two other places.
Q Do you know whether he kept house in Caney or not? A Yes, he kept house there.
Q Did he have a home in the Cherokee Nation when he was living up in Caney? A He had a home place.
A Did he have a house? A Yes.
Q Was the house rented? A Yes, I think the house was occupied by tenants all the time.
Q Do you know whether he maintained any home for housekeeping in the Cherokee Nation? A No, I don't think he did.

Examined by M. B. Lawson:

Q During the time Mr. Jones staid in Caney, Kansas, did he own property in the Cherokee Nation? A Yes sir.
Q What kind of property? A He owned a farm and improvements, a house, cattle and implements, farm implements.
Q Then when he moved up to Caney he left this property in the Cherokee Nation? A Left everything except the driving team and buggy and a milk cow.
Q Took them with him to Caney? A Yes sir.
Q During all that time he lived in Caney, he had the balance of his property in the Cherokee Nation? A Yes sir.
Q Do you know whether he exercised any of the rights of suffrage in Kansas during the time he was there? A I think he exercised that right all the time in the Cherokee Nation; don't think he voted in Kansas.
Q Do you know how long Mr. Jones has lived in the Cherokee Nation?
A No, I don't; he was practically raised here.
Q You state that you became acquainted with him in '91 and that he lived in the Cherokee Nation from '91 to '95 when he moved up to Caney? A Yes sir.
Q And then he moved back to the Cherokee Nation in '99? And has resided in the Cherokee Nation ever since that time?
A Yes sir.
Q During all the time you knew Mr. Jones he had a farm in the Cherokee Nation? A Yes sir.
Q Do you know, Mr. Bell, of your own knowledge whether Mr. Jones was solicited to vote in the town of Caney, Kansas, and whether he voted or not? A A Why he told me--he talked to me about voting there, said that Edwards and Goodman wanted him to vote and he talked about it, thought he had better not vote there and in the Cherokee Nation too; I don't think he ever voted there at all.

Examined by the Commission:

Q Mr. Bell, did you yourself ever live in Caney? A Yes sir.
Q Do you know whether they admitted to the public schools up there the children of people who were not citizens? A Yes, they always have.
Q Are they required to pay tuition? A Hardly ever; there was one term they did while I was there. Some parties who lived

across the line sent their children and some moved to town for the purpose of sending their children to school there.

Q Did you ever send any of your children to school in Sunny?

A Yes sir.

Q You were living in the town at the time you sent them?

A Yes sir. Well, I did live in the country a while and sent them.

Q Was there any question raised as to their right to go to school there when you were living in the country? A No sir, not a thing.

******************

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental proceedings in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 15th day of August, 1903.

Samuel Foreman,
Notary Public.

MFM

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

a, tmc.

In the matter of the application for the enrollment of Miles C. Jones, et al., as citizens of the Cherokee Nation, consolidating the applications of--

| | |
|---|---|
| Miles C. Jones, et al., | Cherokee D -563, |
| Eva Pauline Jones, | Cherokee D-1372. |

-:-

D E C I S I O N.

The record herein shows that applications for enrollment as citizens of the Cherokee Nation were made to this Commission by Miles C. Jones for himself and wife, Margaret S. Jones; and by Eva Pauline Jones for herself. The record further shows that on August 16, 1902, this Commission rendered its decision in re application of Miles C. and Margaret S. Jones, denying said applicants the right to enrollment as Cherokee "citizens by adoption", and that said decision was duly forwarded to the Department for approval. On September 17, 1902, Departmental letter (I.T.D. 5302, 5461, 5673,-02), the record in the matter of said application was returned to the Commission for further hearing and readjudication; and on November 6, 15, and 22, and December 2, 1902, at Muskogee, and August 14, 1903, at Tahlequah, Indian Territory, further proceedings in the matter of said application were had.

The evidence herein shows that the principal applicant, Miles C. Jones, is a son of one Evan Jones, a white man; that the said Evan Jones and his son J. B. Jones, together with their families, were admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved November 7, 1865; and that the said Miles C. Jones was a member of his father's family, residing with him at the time of the latter's admission to citizenship, as above indicated. It further appears that on April 4, 187[illegible], the Supreme Court of the Cherokee Nation, "after investigation", decided:

> "That Miles C. Jones and wife, Margaret, (applicants herein), are entitled to Cherokee citizenship, and all the rights allowable to white men under the Constitution are hereby allowed to them."

The applicant, Eva Pauline Jones, is the daughter of the applicants, Miles C. and Margaret S. Jones, was born since 1871, and, except as below noted, has continuously lived in the Cherokee Nation since birth.

The evidence further shows that the applicants, Miles C. and Margaret S. Jones were united in marriage July 22, 1868, and, except as below noted, have continuously lived in the Cherokee Nation since said date. It appears that during the interval between the years 1895 and 1900, the applicants herein resided in the state of Kansas; but as it further appears that during said residence abroad applicants owned, and exercised control of, valuable properties in the Cherokee Nation, it is not considered that they have forfeited their rights to citizenship in said Nation. All the applicants herein are identified on the Cherokee census roll of 1896.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Joseph D. Yeargain, et al., (I.T.D. 2900-03), and Martha Hill, et al., (I.T.D. 3886-03), Miles C. Jones, Margaret S. Jones and Eva Pauline Jones, should be enrolled as citizens of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 496), 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,
NOV 5 1904

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEELY
C. R. BRECKINRIDGE
ALEXANDER A. CAMPBELL
SECRETARY

AGENTS IN CHARGE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D 563.

Muskogee, Indian Territory, August 15, 1902.

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

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, denying the application of Miles C. Jones for the enrollment of himself and his wife, Margaret S. Jones, as citizens by adoption of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

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

Very respectfully,

Acting Chairman.

Enc. C. No. 31.

DEPARTMENT OF THE INTERIOR
FIVE CIVILIZED TRIBES.

Cherokee D 563.

Muskogee, Indian Territory, October 15, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 17, 1902, the Secretary of the Interior remanded the record of the proceedings, including the decision of the Commission dated August 15, 1902, denying the enrollment of Miles C. Jones and his wife Margarett S. Jones, as citizens of the Cherokee Nation and instructed the Commission to allow the applicant and the Cherokee Nation to introduce further testimony as to the residence of the applicants.

In accordance with said instructions, you are hereby notified that this case has been set down for further hearing at the office of the Commission at Muskogee, Indian Territory, at one o'clock P. M., October 31, 1902.

The applicant and his attorney have this day been notified of the action of the Department.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-563

Tahlequah, Indian Territory, July 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

Before the application of Miles C. Jones et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-563, will be complete, the Commission will require that further testimony be introduced as to the residence of the applicants and as to whether, during his absence from Indian Territory, the principal applicant maintained possession and control of any property and effects in the Cherokee Nation.

The applicant and his attorney have this day been notified that further testimony upon these points may be introduced before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 14, 1903.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MFM

(Copy)

DEPARTMENT OF THE INTERIOR,

Office of the Assistant
Attorney-General,

WASHINGTON.

J.R.W.
W.C.P.
F.W.C.

February 8, 1907.

The Secretary of the Interior.

Sir:

I received by reference of November 26, 1906, the papers in case of Miles C. Jones for enrolment of himself, wife Margaret S., and daughter Eva Pauline, as citizens of the Cherokee Nation. The reference is made --

In view of the decision of the Supreme Court of the United States of November 5, 1906, in Redbird v. United States . . . . . It is requested that the Department be further advised concerning Margaret S. Jones's right to enrolment.

The case was subject of my opinion of June 17, 1905, to which reference is here made. The principal applicant, though a white man, was adopted by act of the legislative council, and his right upheld by the Supreme Court of the nation. He was in all respects in the status of a Cherokee citizen by blood. The decision referred to has no reference to persons of this class.

Margaret S. Jones is a white woman, married to the principal applicant July 22, 1868, prior to the Cherokee act of November 1, 1875, considered by the court in the suit referred to. The whites intermarried adversely affected were only those married on or after that date. The decision therefore nowise

affects adversely the right of Margaret S. Jones.

The question may arise whether the decision adversely affected any whites intermarried after November 1, 1878, except white men married to female Cherokee citizens. That question is not herein presented or considered. I am of the opinion that Margaret S. Jones is entitled to be enrolled as a citizen by intermarriage.

Very respectfully,

Frank L. Campbell,

Assistant
Attorney-General.

Approved: February 9, 1907.

E. A. Hitchcock,
Secretary.

D. C. 9284-1907. F. C.

DEPARTMENT OF THE INTERIOR, L.L.B.
WASHINGTON.

I. T. D. 2903-1907. February 13, 1907.

G. R. S.

Direct.

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

Sir:

Referring to departmental letter of June 24, 1905, in the matter of the application of Miles C. Jones for the enrollment of himself, his wife, Margaret S. Jones, and his child, Eva P. Jones, as citizens of the Cherokee Nation, there is enclosed a copy of an opinion of the Assistant Attorney-General for this Department of February 9, 1907, approved the same day, relative to the rights of Margaret S. Jones to be enrolled as an intermarried citizen of the Cherokee Nation.

In accordance with said opinion, you are authorized to enroll her as such citizen of the Cherokee Nation.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan
First Assistant Secretary.

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A. H. Mc.
2-1407.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
10829

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

Muskogee, Indian Territory, March 6, 1907.

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

Dear Sir:

You are hereby advised that in accordance with the directions of Departmental letter of February 13, 1907, Margaret S. Jones, has been enrolled as a citizen by intermarriage of the Cherokee Nation.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.HJ-46.
HJC

FOR ENROLLMENT AS

HEROKEE CITIZENS

GRAN

NOV 5 1904

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Department of the Interior,
Commission to the Five Civilized Tribes
Bartlesville, I. T. October, 11th 1900.

In the matter of the application of Susan Tyner for the enrollment of her husband as herself and two children. She having been duly sworn by Commissioner Brookinridge testified as follows-

Q How old are you? A 30 years.
Q What is your post office? A Turley.
Q Do you live in the Coweseowee district? A Yes sir
Q. Who is it that you want put on the roll? A. Myself and two children
Q Have you a husband? A Yes sir.
Q Do you want him put on the roll? A. Just married him.
Q How long since you married your husband? A. Month.
Q Is he a white man? A Indian.
Q What kind of Indian is he? A. Cherokee I guess.
Q Is he here? A. Yes sir he is here.
Q Do you know whether he is a Cherokee or Delaware? A Cherokee.
Q Then you apply for yourself, husband and two children? A. Yes sir.
Q Are you a Cherokee? A Yes sir.
Q Full blood? A I suppose so.
Q And your husband is a Cherokee ? Yes sir.
Q Is he a full blood Cherokee? A Dont know.
Q How long have you lived in the Cherokee Nation? A. Going on 18 years.
Q Where were you born? A. I cannot answer that.
Q Dont you know where you were born? A No sir.
Q Give me the name of your father. Sam Charley.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Betsie .
Q Is she dead? A Yes sir.
Q Were you admitted to Cherokee citizenship with your family about 18 years ago? A Yes sir.
Q And have lived in the Cherokee Nation ever since? A Yes sir.
Q What is your first husband name? A. Lewis Tyner Jr.
Q Is he dead or alive? A Dead.
Q What is the name of your second husband? A Wesa Tiblow.
Q Is he dead? A Yes sir.
Q What is the name of your present husband? A Daniel Webster Tyner.
Q You have only been married these three times? A Yes sir.
Q What was your name in 1896? A Tyner.
Q This present husband, Daniel Tyner, was he born in the Cherokee Nation? A I dont believe he was.
Q. Did he come here when your people came? A. I dont know I think now that he was born here.
Q. And he lived here all his life? A. Yes sir.
Q Give me the name of his father. Lewis Tyner.
Q Is he dead? A Yes sir.
Q Give me the name of his mother? A I dont know what his mothers name is.
Q Is she dead? A Yes sir.
Q Give me the names of your two children. A. Bertha Tiblow.
Q How old is that child? A. 3 years old.
Q Give me the name of your next child. Charley Tiblow.
Q How old is that child? A. About two years old.
Q How old is your present husband? A 27.

JAMES P. TYNER is here called as a witness in this cause and having been duly sworn testified as follows-

Q Do you know this man Daniel Webster Tyner? A. Yes sir.
Q He is the husband of the applicant here? A Yes sir.
Q Was he born in the Cherokee Nation? A No sir.
Q Where was he born? A. In the Pottawatomie Reservation.
Q What time did he come to the Cherokee Nation? A. 1887.
Q And you think that he was admitted by the Cherokee Council? A.Yes sir. I think that his name was given in as Willis.

Q Was he an orphan? A Yes sir.
Q What name did they give in for him? A. Ellis.
Q And you think that he was put down under that name? A Yes sir.
Q He is the husband of this woman now? A Yes sir.

Applicant re-called

Q Was your father living in 1896? A. No sir.
Q Was your mother dead 4 years ago? A. She is alive yet.
Q What was her name 4 years ago? A. Always went by the name of Betsie Charley.
1896 Roll page 352, No 373. Susan Tiblo, Coowescoowee,
1894 " " 181 " 1430, Webster Ellis, "

The applicant is shown by the official publication of the laws and joint resolutions of the Cherokee Nation enacted during the years 1881,2 & 3,to have been admitted with her family on December,8th 1881. It is set forth on page 14 of said acts. This is identified as official evidence of her admission.
The applicant applies for the enrollment of herself,her husband and two children. Her husband appears in person in the course of the examination. She has been married to her present husband only a few weeks but this marriage is established by her own and additional testimony. She is a full blood Cherokee. She is shown to have been admitted to Cherokee citizenship in 1881. She has lived in the Cherokee Nation ever since and is identified on the 1896 roll and she will be listed now for enrollment as a Cherokee by blood. When she supplies the Commission with a certificate of the birth of her two children Bertha and Charles Tiblow, children by a former husband, they also will be listed for enrollment as Cherokees by blood.
Her present husband Daniel Webster Tyner is identified on the roll of 1894 under the name of Ellis. He is not identified on the roll of 1896. It is claimed that he was admitted to Cherokee citizenship in 1887. He does not present sufficient evidence of his admission nor can any reliable evidence be obtained at the present moment. It is said that he has lived in the Cherokee Nation ever since his admission. It is stated that he came to the Cherokee Nation with a family by the name of Ellis. The application for his enrollment will now be placed on a doubtluf card to await further and sufficient evidence of his admission to Cherokee citizenship.

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

Subscribed and sworn to before me this the 11th day of October,1900

Commissioner.

"Witnesses:

"Witness my official signature and seal of office, this the 14th day of March, 1902.

"Notary Public."

FILED
MAR 14 1902

Supl.-C.D.#564.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of DANIEL W. TYNER as a citizen of the Cherokee Nation: Introduced on part of applicant:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902. On said day the case was called and by agreement was continued until the 8th day of March, 1902. Receipt of the Commission's letter has been acknowledged and the applicant this day appears in person and by his attorney, A. H. Norwood, Dewey, Indian Territory.

Mr. J. C. Starr, Cherokee Representative present.

JAMES F. TYNER, being duly sworn, testified as follows on part of applicant:

MR. NORWOOD:

Q State your name, age and post office address? A My name is James F. Tyner, 41 years old; Turley post office.
Q Are you acquainted with the applicant? A Yes, sir.
Q How long have you known him? A Why I have knowed him ever since he was a small boy.
Q Did you know his parents? A Yes, sir.
Q State who then were. A His father was named Tom Ellis.
Q What was his father, as to Indian blood? A He was a Cherokee, part Cherokee and part Shawnee.
Q Was he a citizen of the Cherokee Nation? A Yes, sir
Q How did he become a citizen of the Cherokee Nation? A Why he was admitted by an Act of Councin in 1887 or 1888, I don't remember just what year; it was either '87 or '88.
Q Was the applicant a member of that family at that time?
A Yes, sir.
Q Were they residing in the Cherokee Nation at that time?
A Yes, sir, at that time.
Q Has the applicant resided in the Cherokee Nation ever since that time? A Yes, sir; he has lived right there in a mile of my place since their admission.
Q And recognized as a citizen of the Nation A Recognized as a citizen of the Nation.

Mr. Starr: The representatives of the Cherokee Nation object to testimony testimony about the admission of applicant unless it is first shown the the record is lost or destroyed.
Commission: The objection will be noted; answer the question.

Q Are their any descendants of Tom Ellis, the parents of the applicant, older then him that were admitted at the same time?
A Yes, sir.
Q Can you recolle et the names of any of them? A Yes, sir; the oldest one was Sarah Lewis, she was a married woman at the time; her name was Sarah Lewis, and the next one was Edward Ellis and Ely Ellis and Daniel Webster Ellis..
Q Are there any younger than him? A Yes, sir, there were three.

Q Can you name them? A Lusy and Isaac and William.
Q He was the fourth then of the family? A Yes, he was the fourth.
Q Was he a member of the family at the time and living with them?
A Yes, sir.

MR. STARR:

Q Where did Daniel W. Tyner live before he came to the Cherokee Nation? A He lived in Pottawatomie reservation.
Q Did he have a home there? A He could not have any home, they was living down there too.
Q Did he ~~ha~~ ever take a reservation there? A Allotment you mean?
Q Yes. A No, sir; you see that was before that country was alotted; they just stayed there on the Pottawatomie reservation, since that time the Shawnees and Pattowatomies have allotted together
Q Did Daniel Tyner get any allotment there after it was allotted?
A No, sir, they moved away from there before that country was alotted..
Q By what Court was these people admitted that you speak of?
A Council.
Q Cherokee National Council ? A Cherokee National Council. I was down there with them as an interpreter; they was part Shawnee and part Cherokee, could not talk english or Cherokee either.

Commission: The attorney for the applicant requests and will be granted 20 days in which to furnish the Commission with evidence of the admission of the applicant to citizenhip in the Cherokee Nation by the Cherokee National Council.

Commission of Mr. Norwood: Do you desire to file a brief in this case?
Mr. Norwood: I think I will.

DANIEL W. TYNER, the applicant, re-called for additional corss-examination on part of Cherokee Nation:

James F. Tyner, aged 41, post office Turley, I.T., being duly sworn as an Interpreter, interprets the answers of the witness as follows:

BY MR. STARR:

Q What is your name? A Daniel Webster Tyner.
Q What is your age? A 28 or 29, he don't know exactly.
Q Did you ever receive an allotment of land in any country outside of the Cherokee Nation? A No, sir
Q Did any one ever taken an allotment for you? A No, sir.

MR. NORWOOD:

Q What relation atre you to to Sallie Lewis, Edwin Ellis, Ely Ellis, Isaac Ellis and Lucy Ellis? A They are sisters and brothers, one of them is a half brother.

Commission: The attorney for the applicant and the representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record, in addition to the evidence which the applicant desires to supply relative to the admission of the applicant to citizenship in the Cherokee Nation.
The Attorney for the applicant requests and will be granted 20 days in which to file a brief, one copy with the Commission and one copy with the Cherokee Nation.

---oooOOOooo---

I, J. D. [illegible] by [illegible] [illegible] stenographer to the [illegible] [illegible] correctly [illegible] [illegible] I [illegible] [illegible] stenographic [illegible] [illegible] [illegible] [illegible] of my

J. D. [illegible]

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Chep D-568

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office.
Tahlequah, Ind. T., October 7, 1903.

In the matter of the application of Daniel W. Tyner for enrollment as a citizen by blood of the Cherokee Nation.

DANIEL W. TYNER, personally appearing, and being first duly sworn and examined, testified as follows:

Q What is your name? A My name now is Daniel W. Tyner.
Q How old are you? A Thirty years old.
Q What is your post office address? A Turley.
Q Are you an applicant for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee or Shawnee? A I am a Cherokee.
Q Are you full blood? A No, my mother is a Shawnee.
Q How much Cherokee are you? A I don't know, about one fourth I guess.
Q How much Shawnee? A About three fourths.
Q Is your wife named Susan Tyner? A Yes, sir.
Q Where were you born? A In Oklahoma.
Q How long did you live in Oklahoma? A I don't know how long we lived there. I was born there and we came here about seventeen years ago.
Q What is the name of your father? A Tom Ellis.
Q Lewis Tyner is just your step-father? A I don't know; I stayed with him all the time.
Q Is Tom Ellis living or dead? A Dead.
Q When did he die? A About nine years ago.
Q What is your mother's name? A My mother aint got no English name.
Q What is her Indian name? A Na-qua-ta.
Q Is she living or dead? A Dead.
Q When did she die? A About eleven years ago.
Q Did your father and mother ever come to the Cherokee Nation? A Yes, sir.
Q Did you come with them? A Yes, sir.
Q You came when they did, about seventeen years ago? A Yes, sir.
Q They died in the Cherokee Nation? A Yes, sir.
Q After they came here from Oklahoma about seventeen years ago they lived here until they died? A Yes, sir.
Q Have you lived here continuously since you came here about seventeen years ago? A Yes, sir.
Q Have not lived out at all? A No.
Q How old were you when you came here? A I don't know. Must have been about seventeen or eighteen years old.
Q You were a minor when you came here: you were not twenty-one, were you? A No, sir.
Q Do you remember exactly what year you came here? A No, I don't know what year.
Q How many years was it before the big payment? A What payment?
Q The strip payment? A (No response).
Q The $265.70 payment? A (No response).

Q Do you know how many years it was before that payment? A About three years, I guess.
Q Were you re-admitted to Cherokee citizenship by an Act of Council, or by any of the citizenship commissions? A (No response). (Applicant not being able to readily understand English, James F. Tyner was duly sworn in as Shawnee Interpreter).
Q Were you admitted to Cherokee citizenship in the Cherokee Nation at that time? A Yes, sir, I was admitted by an Act of Council.
Q Do you know what year that Act of Council was passed? A Long about 1887.
Q Were you living here when you were admitted or did you come here after you were admitted? A I was living here.
Q You came here before you were admitted? A I came here in the spring in March, and in November I was admitted.
Q Who is Sarah Ellis? A She was a daughter of Tom Ellis.
Q Was she your sister? A Yes, sir.
Q Your full sister? A No, sir, half sister.
Q Who is Edward Ellis? A He is brother to Sarah Ellis and half brother to me.
Q Who is Eli Ellis? A He is a brother.
Q Half or full? A Half.
Q Did you have ~~another~~ any other brothers or sisters, or half brothers or half sisters? A Delba Ellis, half sister.
Q What was the last two? A The last are full brothers and sisters. Lucy; Isaac. He is dead. Oodey.
Q Any more? A That is all.
Q Were you living with Tom Ellis when he was admitted? A Yes, sir, I was living with him----I was living with my father when I was first admitted.
Q Were these other half brothers and sisters and full brothers and sisters living with your father, too? A Yes, sir.
Q Were you all living in one family at that time? A Yes, sir.
Q How long was that after you came from Oklahoma? A We all came here together. Lived in the same house.
Q For about how long? A We all lived together until the old man died and about eight years after we came here and mother died about six years after we come here.
Q I mean, how long did you live with your father? A I lived with my father until I was about eighteen years old.
Q Well how long did you live with your father after you came from Oklahoma? A One year.
Q And you state that your father came here in the spring and was admitted by the Council the following fall? A Yes, sir.
Q Was your half sister, Sarah, ever married? A Yes, sir, that is her husband-----(indicating).
Q What is his name? A Jim Lewis.
Q Do you know why you were not admitted when your father and the rest of your family were admitted? A I don't know. I supposed I was admitted too.
Q At the time your father was admitted were you a minor and living with him? A Yes, sir, I was a minor.
Q And, I believe you state that since you came from Oklahoma you have not lived ~~with~~ out of the Cherokee Nation at all? A No, sir, I have not lived out of the Cherokee a month no time since I came here.

From a printed list of persons readmitted to citizenship in the Cherokee Nation, certified to by Henry B. Smith and Robert T. Hanks, copyists, appears the names of the following persons readmitted by Council on November 28, 1888:

Thomas Ellis, Sarah Ellis, (wife of Jeff Lewis), Edward Ellis, 26 years, Eli Ellis, 24 years, Delby Ellis, 17 years, Lucy Ellis, 9 years, Isaac Ellis, 7 years, William Ellis, 5 years.

Q Do you know anyone named Colbert Ellis? A Ellis had a boy named Robert Ellis.
Q I said Colbert----C-o-l-b-e-r-t? A Edward had one.
Q Did Eli have any children besides Robert? A Yes, sir.
Q What was their names'? A One was named Nancy.
Q Any others? A Sister named Betsy.

The applicant will be required to furnish the Commission with a certified copy of the Act of Admission by the Cherokee National Council of November 28, 1888.

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

Q Why do you go by the name of Tyner? A I don't know why I go by the name of Tyner. I live with the Tyner family.
Q Did you always go by the name of Tyner? A No, I used to go by the name of Ellis before I left my father and after that I went by the name of Tyner; but while I went to school I went by the name of Ellis.
Q Where didyou go to school? A In Oklahoma, in the Shawnee Mission.
Q Well, now, did you always go by the name of Ellis until you were about eighteen years of age, when you left your father? A My name was Ellis there and I went by that name until I left my father. I was eighteen then.
Q Did you go by the name of Ellis when your father was admitted?
A Yes, sir.
Q You and Sarah Ellis are half brother and sister and have a different mother? A Yes, sir.

BY THE COMMISSION

Q Why were you not enrolled in 1896? A I don't know. They claimed my name was not on the certificate of citizenship.
Q The census takers refused to put your name down in 1896, did they?
A Yes, sir. They refused to take my name because I was not on that certificate of citizenship.

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JAMES F. TYNER, a witness, being duly sworn upon personal appearance, testified as follows:

Q What is your name? A My name is James F. Tyner.
Q How old are you? A 47.
Q What is your post office address? A Turley, I. T.

BY A. H. Norwood: Attorney for Applicant:

Q How long have you known the applicant? A I have known him ever since he came to this country: I knowed him before in Oklahoma.
Q Do you know who is father was? A Tom Ellis is supposed to be hisfather. I could not swear that.
Q The applicant is recognized as his son? A Yes, sir.
Q And he recognizes him as his son? A Yes, sir.

Q Well, then, just state for the benefit of the Commission where the boy lived, and who he lived with and all about him to the present time? A Well, the reason I think he went by the name of Tyner, they had some trouble in the family, Tom Ellis did, and would not claim his as his son, but he always did claim him up to that time.
Q Well, where did the boy live after he left his father? A Well, one place after another; stayed with me most of the time, but then went to my father's and stayed with him about seven months and then came back to my house.
Q He came here with Tom Ellis, did he? A Yes, sir, he was at Ellis'es when he was re-admitted.
Q Are you positive that he was included in the petition for citizenship? A Yes, sir, that is all I know about it, he was included in the petition and there was a small payment after that, I forget what payment it was, and he drew something there and he was on the Strip Payment Roll and also on every roll except the '96. The Census takers refused to take him because he was not on the certificate. He wrote down to the office here and they claimed there was no record of him.
Q And you say he was on every roll up to 1896 from the time he came here? A Yes, sir, that is about all I know of it.

By W. W. Hastings:

Q Did Tom Ellis ever live with this boy's mother? A Yes, sir.
Q When? A He was living with her when he came to this country.
Q Did he bring this boy's mother with him here? A Yes, sir.
Q Did he ever have any other wife except this boy's mother? A Not living with him.
Q Well, did he ever have any other? A Yes, sir, he had several children by his first wife. That was the time before he married this other woman.
Q Before he married the mother of this applicant? A Yes, sir.
Q Well, now, how long had he been living with the mother of this applicant when he came to this country? A I couldn't say positively, but it must have been fifteen or sixteen years.
Q Well, how do you know that? A Well, I was down in that country, my father was and father had his store down there in Oklahoma.
Q Well, did he live with this boy's mother until she died? A Yes, sir.
Q Where did she die? A She died in the Cherokee Nation, on Bird Creek.
Q And she and Tom Ellis were living together then as husband and wife at that time? A Yes, sir.
Q But this boy was not living with them? A When his mother died?
Q Yes, sir? A No, sir.
Q Did he have any other children besides applicant's mother?
A Yes, sir.
Q What was their names? A Why, he had a daughter named Lucy. The he had some boys younger than Lucy named Isaac and William.
Q Well, was Lucy younger or older than the applicant? A She was younger.
Q Younger than the two boy's also? A Yes, sir, one boy , two boys younger than Lucy.
Q You say Tom Ellis disputed the parentage of this boy? A That was my understanding.
Q Well, you know, don't you? A Well, it was just hear-say.
Q Did Tom Ellis live in the neighborhood? A Yes, sir.
Q And this boy came to your house to live? A Yes, sir.

Q Well, what was your understanding, we want to know all the facts?
A (No response).
Q Who did Tom Ellis say was the father of this boy? A Well, he did not say was was the father of the boy. Well, he said too, that Lewis Tyner was the father.
Q And that is really the reason why this boy goes by the name of Tyner? A Yes, sir.
Q Did he say this boy was born before he married his mother?
A No he did not say that.
Q Well, the boy was born before Tom Ellis married his mother?
A I don't know that.

BY THE COMMISSION:

Q Is Lewis Tyner living? A No, sir.

By W. W. Hastings:

Q Where did he die? A Down on Bird Creek.

BY THE COMMISSION:

Q Did the mother of this boy have any English name? A Not that I know of.
Q Was she included in that application to the Council to be re-admitted? A Yes, sir.
Q Do you know why her name was not among those who were re-admitted?
A No, I don't know why, but I suppose it was because she was an Absentee Shawnee.
Q Was she known as an Absentee Shawnee? A She was never known at all that I know of.
Q Was she ever recognized as a Shawnee? A No, sir.
Q What was her blood, Cherokee or Shawnee? A She was a Shawnee.
Q How long did you know herebefore she died? A I knowed her fifteen or sixteen years.
Q Did she ever claim to be anything but an Absentee Shawnee?
A No, sir.
Q Did she ever claim to be a Shawnee citizen of the Cherokee Nation? A No, sir.
Q You state she was included in the petition made by Tom Ellis to have himself and family re-admitted? A Her name was included in with that. It just stated the children's mother's name. That is all I remember about her name being in the petition.
Q Did you ever hear her say who was the father of that boy?
A No, sir.
Q Did you ever hear Lewis Tyner say he was the father or not?
A No, sir.
Q After this applicant left his father, Tom Ellis, he went to live with Lewis Tyner? A Yes, sir.
Q Did Lewis Tyner then recognize him as his son? A No, sir.
Q What kin are you to Lewis Tyner? A He is my father.
Q Do you know any thing more as to this boy's father than that he was denied by Tom Ellis after Tom Ellis came to this country and Tom Ellis claimed that Lewis Tyner was his father? A I don't know why he claimed it; that is all I know about it.
Q It is a fact, though, that Tom Ellis, after he moved here from Oklahoma, did deny that this boy was his son? A Yes, sir.
Q And you state that you never heard the boy's mother express herself on the subject? A No, sir.

Q Well, what was your understanding, we want to know all the facts?
A (No response).
Q Who did Tom Ellis say was the father of this boy? A Well, he did not say was was the father of the boy. Well, he said too, that Lewis Tyner was the father.
Q And that is really the reason why this boy goes by the name of Tyner? A Yes, sir.
Q Did he say this boy was born before he married his mother?
A No he did not say that.
Q Well, the boy was born before Tom Ellis married his mother?
A I don't know that.

BY THE COMMISSION:

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By W. W. Hastings:

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BY THE COMMISSION:

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Q Do you know why her name was not among those who were re-admitted?
A No, I don't know why, but I suppose it was because she was an Absentee Shawnee.
Q Was she known as an Absentee Shawnee? A She was never known at all that I know of.
Q Was she ever recognized as a Shawnee? A No, sir.
Q What was her blood, Cherokee or Shawnee? A She was a Shawnee.
Q How long did you know herebefore she died? A I knowed her fifteen or sixteen years.
Q Did she ever claim to be anything but an Absentee Shawnee?
A No, sir.
Q Did she ever claim to be a Shawnee citizen of the Cherokee Nation? A No, sir.
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Q Did you ever hear her say who was the father of that boy?
A No, sir.
Q Did you ever hear Lewis Tyner say he was the father or not?
A No, sir.
Q After this applicant left his father, Tom Ellis, he went to live with Lewis Tyner? A Yes, sir.
Q Did Lewis Tyner then recognize him as his son? A No, sir.
Q What kin are you to Lewis Tyner? A He is my father.
Q Do you know any thing more as to this boy's father than that he was denied by Tom Ellis after Tom Ellis came to this country and Tom Ellis claimed that Lewis Tyner was his father? A I don't know why he claimed it; that is all I know about it.
Q It is a fact, though, that Tom Ellis, after he moved here from Oklahoma, did deny that this boy was his son? A Yes, sir.
Q And you state that you never heard the boy's mother express herself on the subject? A No, sir.

Q And never heard Lewis Tyner say anything about it? A No, sir.
Q Was Tom Ellis' first wife living when this boy was born? A No, sir.
Q She had died before he was born? A Yes, sir, she had died.
Q Had this boy's mother ever been married to Lewis Tyner? A No, sir.

By A. H. Norwood:

Q Was Tom Ellis and this boy's mother living together when this boy was born? A Well, I don't know just when he was born. I know they was living together though, before they came to this country, and after they came to this country was when she died.
Q Do you know how old the boy was the first time you ever knew him down in Oklahoma? A I don't know just exactly how old he was, but he was small.
Q Well, to the best of your judgment, about how old was he?
A Two or three years old I suppose, something along there.
Q Is he the oldest of that set of children? A Yes, sir, he is the oldest.
Q Did you ever hear Tom Ellis say, or state, that this was not his child? A No, sir, I never heard him say so.
Q What you know was just rumor? A Yes, sir.
Q You never knew Tom Ellis to deny him? A I never heard him say so himself. It was just talk.
Q You never heard Tom Ellis say that this was not his child?
A No, sir.

By W. W. Hastings:

Q How far did you live from Tom Ellis when this boy left his home after they moved from Oklahoma? A About two miles.

---

JAMES LEWIS, a witness, personally appearing, and being first duly sworn, testified as follows:

Simon R. Walkingstick, Interpreter:

Q What is your name? A James Lewis.
Q How old are you? A About fifty.
Q What is your post office address? A Turley.
Q Are you an applicant for enrollment by this Commission as a Cherokee? A Yes, sir.

By W. W. Hastings:

Q Did you marry Sarah Ellis? A Yes, sir.
Q Do you know the applicant here, Daniel W. Tyner? A Yes, sir.
Q How long have you known him? A Ever since he was a small boy.
Q You did know know him then when he was born? A No, sir, I was not present when he was born.
Q How long have you known your wife? A I have known her after we were grown.
Q Well, have you known your wife longer than you have known the applicant? A Yes, sir.
Q With whom was your wife living when you first knew her? A She was living with the father of Tom Ellis.
Q Well, then, Tyner was not living with Tom Ellis when you first knew your wife.

A Yes, sir, I think the boy was living there at that time.
Q Well, you have just stated that you knew your wife longer than you did the boy? A Yes, sir, the boy was living when I first became acquainted with my wife.
Q Well, where was he living? A In Oklahoma.
Q How far from Tom Ellis's was the boy living at that time?
A I suppose he was living at Tom Ellis's. I wouldn't be sure, I didn't pay much attention to the children.
Q Did you know your wife's mother? A No, sir.
Q Was she dead when you became acquainted with your wife? A Yes, sir.
Q Did you know applicant's mother? A Yes, sir.
Q Where was she living when you got acquainted with him? A She was living with Tom Ellis; with her husband, Tom Ellis.
Q You say the applicant was born when you first knew them? A Yes, sir, she was living.
Q About how old was the boy when you first knew him? A I couldn't say. He must have been one year old, though.
Q Did you ever hear Tom Ellis dispute the parentage of this boy?
A No, sir. All I know is I always understood that he was the father of the boy.
Q Well, do you know whether or not Tom Ellis ever denied that?
A No, I never did hear that.
Q Did you never hear that in the neighborhood of Turley? A No, sir, never heard that.
Q Have you never heard it up to this day? A No, sir.
Q Do you mean to say that you married this boy's half sister?
A Yes, sir.
Q Did you come to the country from Oklahoma with this family?
A Yes, sir.
Q How long did this applicant live with his alleged father after they came from Oklahoma? A I couldn't say, but he must have lived with them about three or four years.
Q Where did he go to from Tom Ellis' place? A He just lived around in the neighborhood.
Q Do you not know that he went to Lewis Tyner's? A Yes, sir, I suppose he went there---he has been living there for some time.
Q Well, this boy goes by the name of Daniel W. Tyner, don't he?
A Yes, sir, that is the name and I suppose he got that name from Tyner's.
Q Well, how long has he borne that name? A I don't know.
Q Well, did he have it when you first knew him in Oklahoma? A No, sir, his name was Ellis in Oklahoma.
Q Well, when did he change his name from Ellis? (No response).
Q When did he change his name from Ellis to Tyner? A I could not say.
Q Well, was it about the time the boy left Tom Ellis and went over to Tyner's? A Yes, sir, along about that time, I guess.
Q Now do you mean to say that you have lived there in the neighborhood that you were living in when the boy left, and that he afterwards made his home in the neighborhood and afterwards at Tyner's and still you never heard the parentage of this boy disputed or talked about? A Yes, sir, that is what I say. I never heard his parentage denied.
Q Well, did you ever hear that Lewis Tyner was his father?
A No, sir.
Q You never heard it around in the neighborhood up there that Tom Ellis disputed he was the father? A No, sir.

By A. H. Norwood:

Q You say you knew this boy when he was about one year old?
A Yes, sir.
Q Tom Ellis and his (applicant's) mother were living togeth r then as man and wife, were they? A Yes, sir.
Q And then they lived from that time until she died as man and wife? A Yes, sir.
Q And she died up in this country? A Yes, sir.

APPLICANT RECALLED:

BY THE COMMISSION:

Q Why did you leave your father's house and go to live with Lewis Tyner? A I just got up and left him.
Q Did you have any disagreement with Tom Ellis? A No.
Q Never had any quarrel with him or any hard words? A No.
Q Did Tom Ellis ever tell you that he was not your father? A No, never did tell me so.
Q Did you ever hear that Tom Ellis was not your father---did any one ever tell you so? A No, sir.
Q Did Lewis Tyner ever tell you that he was your father? A No, sir.
Q Have you ever heard that Lewis Tyner was your father; did you ever hear any rumor to that effect? A No, sir.
Q Do I understand you to say that you left Tom Ellis' home of your own free will and without any unpleasantness between you and him? A Yes, sir, of my own free will.

By W. W. Hastings:

Q You have never heard the fact that Tom Ellis was your father disputed in the neighborhood up there, have you? A No, I have not heard that.
Q Were you grown when you left Tom Ellis's? A No, I was not grown, but thought I was big enough to make a living.
Q And you went over to Lewis Tyner's? A Yes, sir.
Q And changed your name to Tyner? A Yes, sir.
Q At that time? A Yes, sir.
Q Now do you, under oath, tell this Commission that you, at that time, had never heard that Lewis Tyner was your father? A No, sir.
Q And you never heard it up to this day? A No, sir.
Q You never heard any body, not only Tom Ellis, but nobody, ever say it? A No, sir.
Q You never heard Jim Tyner say it a while ago, did you? A That must have been while I was out.
Q And you had no reason for leaving your father's place and going over to Lewis Tyner's had you? A All the reason I had for leaving home was that my father was poor and not able to clothe the children very well and I was big enough to work, so I went away?

By A. H. Norwood:

Q What did you do when you went to Lewis Tyner's, lay around or work? A Went to work for Lewis Tyner.
Q Hired to him? A Yes, sir.
Q Did Tyner pay you wages? A Yes, sir.

Q Did you stay at Lewis Tyner's place for a year or two? A I did not stay with Lewis Tyner very long. I worked for Lewis Tyner the first one after I left home.
Q Went there to work and got your pay, did you? A Yes, sir.

JAMES S. TYNER, witness, recalled:

BY THE COMMISSION:

Q Were you enrolled by this Commission as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Is your father a Cherokee? A Yes, sir.
Q Is his name on the 1880 roll? A I think it is.
Q Is your name on the 1880 roll? A Yes, sir. Lewis Tyner was admitted by the National Council in 1881 I think, and put on the 1880 roll.
Q Did your father have any initials? A Yes, sir.
Q What were his initials? A L. C. Tyner.
Q Who was Sarah Tyner? A That was my sister.

Lewis Tyner identified upon the 1880 authenticated roll of citizens of the Cherokee Nation, #2958, Cooweescoowee District, as L. C. Tyner, native Cherokee, forty-two years old.

---

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the above and foregoing testimony, and that the same is a true and accurate transcript of my stenographic notes thereof.

George R. Smith

Subscribed and sworn to before me this the 15 day of October, 1903.

J. O. Rosson
Notary Public.

GRS

Cherokee D 564.

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

In the matter of the application for the enrollment of Daniel W. Tyner as a citizen by blood of the Cherokee Nation.

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

The record in this case shows that on October 11, 1900, Susan Tyner appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment, among others, of her husband, Daniel W. Tyner, as a citizen by blood of the Cherokee Nation. The other parties to the application having been differently classified are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, March 8, 1902, and at Tahlequah, Indian Territory, October 7, 1903.

The evidence shows that the applicant, Daniel W. Tyner, is a son of Tom Ellis, a Cherokee by blood, and Ba-que-ta, a Shawnee Indian, both deceased, who lived together as husband and wife for more than 15 years.

The evidence further shows that on November 28, 1888, the said Tom Ellis was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation and that he was residing therein at the time of his said admission. It further appears that the applicant, Daniel W. Tyner, was a minor and living with his father at the time of the latter's admission to citizenship as above stated.

Daniel W. Tyner is identified on the 1894 Cherokee strip payment roll.

The evidence further shows that said Daniel W. Tyner has resided in the Cherokee Nation continuously since the date of his father's admission to citizenship.

It is, therefore, the opinion of this Commission that Daniel W. Tyner should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby.

Chairman.

SIGNED. T. B. Needles.

Commissioner.

SIGNED. C. R. Breckinridge.

Commissioner.

SIGNED. W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

this [illegible]

Form No. 1.

# THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

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Dated Pewey Dy 2/27

To W. W. Hastings

Can you continue D W Lyner case till the eighth answer

A H Norwood

mog

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. F. STANLEY.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-564.

Muskogee, Indian Territory, January 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Susan Tyner for the enrollment of her husband, Daniel W. Tyner as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. D-23.

THE MATTER OF THE APPLICATION OF

Daniel W Tyner

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Certificate of mailing to applicant — CS

Daniel W. Tyner

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/11/00

B Memo of Application of 10/11/00

C Notice of final consideration 3/7/00

D Supt test & order closing test 3/8/00

Copy

January 25 1904. no 1

transferred to Chr no 10371

See Cherokee Jacket 43235

Chr

Cher D 565

NEWSPAPERS:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
BARTLESVILLE, I.T., OCTOBER 11th, 1900.

In the matter of the application of John Brown for the enrollment of himself and three children as citizens of the Cherokee Nation by Delaware blood; said Brown being sworn by Commissioner C. R. Breckinridge, and examined by the Commission, testified as follows:

(Examination conducted through Interpreter.)

Q What is your name? A John Brown.
Q What is your age? A About 63.
Q What is your post office? A Dewey.
Q You live in the Cherokee Nation? A Lives in the Cherokee Nation.
Q How long have you livedhere? A When the first Delawares removed into this country.
Q Have you lived in the Cherokee Nation ever since? A Yes, sir.
Q Have you been out of the Cherokee Nation in the past three years? A No, sir.
Q Are you applying as a native Cherokee, Adopted Delaware of adopted Shawnee? A Delaware.
Q Full blood? A Yes,
Q What is your father's name?A He had a Delaware name, died when he was small.
Q Was not living 20 years ago? A No.
Q Was he full blood Delaware? A Yes, sir.
Q What was his mother's name? A Quishaqua.
Q Is she living? A No.
Q How long has she been dead? A About 30 years ago.
Q Was she full blood Delaware? A Yes.
Q Are you making application for anyone besides yourself? A Three children.
Q Where is his wife? A His wife done enrolled at Vinita, she is Shawnee.
Q What is his wife's name? A Mary Brown.
Q These children he wants to enroll children by his wife Mary Brown? A No, sir.
Q Have you any children by your wife Mary Brown?A No.
Q How old isyour wife? A 42.
Q What are the na es of these children and their ages? Oldest one is Katie.
Q How old is Katie? A 14.
Q Next one? A Luzinda.
Q How old is Luzinda? A 12.
Q Next one? A Annie.
Q How old is Annie? A Ten.
Q You are the father of these three children? A Yes.
Q Who is the mother? A She died.
Q Wh t is her name?A Shawnee woman.
Q What is her name?A Sarah.

By A. W. Hastings, Representative of the Cherokee Nation:

Q Did have a child when he married her? A No.
Q Was she ever married before she married him? A She might been he did't know. The first time he saw her he married her.
Q Married her right there? A Yes, sir.
How long has she been dead? A About nine or 10 years.
Q Was the mother of these children a full blood Shawnee? A Yes,sir.

JOHN R. WILLIE, beingsworn and examined by the Commission, testified as follows:

Q What is your name? A John R. Willie.
Q What is your age? A 50.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the app licantt John Brown? A Yes, sir.
Q Did you know his wife? A I have seen his wife.
Q Was she Delaware or Shawnee indian? A She was Shawnee.
Q Full blood Shawnee? A I could not say that.
Q How long has she been dead? A Been dead about, very near 10 years.
Q Did you know who she was before he married her? A No, sir, I did not.
Q These three children, do you know those three children of the applicant's, Katie, Lucinda dna Annie Brown? A No, I do not really know them I have seen them.
Q You know that they were the children of this Shawnee woman who was his wife? A Yes, sir.

WILLIAM TOOLEY, being sworn and examined by the Commission, testified as follows:

Q What is your name? A William Tooley.
Q What is your age? A 50.
Q You a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know John Bernw the applicantt? A Yes, sir.
Q Did you know his wife? A Yes, sir..
Q Who was she? A She was Shawnee.
Q Her father and mother both Shawnee indians? A Yes, sir.
Q Was she a full blood Shawnee indian? A She may be part white.
Q Was she always recognized as a Shawnee indian? A Yes, sir .
Q Was she thr mother of these three children, Katie, Lucinda and Annie, for whom the applicant is applying? A Yes, sir.

1880 enrollment; page 69, #272, John Borwn, Coowweescoowee.

John Brown further testified:

Examination by W. W. Hastings, Cherokee Representative:

Q Did he marry this woman, the mother of these children? A Yes, sir.
Q Who married him? A Interpreter: He says he did not know the preacher's nak e.
Q Did he live with her until she died? A Yes, sir.

1896 enrollment; p age 360, #94, John Brown, Coowweescoowee.
1896 enrollment; page 360, #96, Katie Brown, Coowweescoowee.
1896 enrollment; page 360, #97, Lucinda Brown, Coowweescoowee.
1896 enrollment; page 360, #98, Henry Brown, Coowweescoowee.

COMMISSION: The name of the applicantxx, John Brown, appears upon the 1880 authenticated roll of citizens of the Cherokee Nation and on the 1896 census roll, as an adopted Delaware. He having sufficiently established his residence in the indian territory for the time prescribed by law, will be listed for enrollment by this Commission as a Cherokee citizen by Delaware blood.

The names of his three children appears upon the 1896 census roll of the Cherokee Nation as adopted Delawares, and from the testimony of the applicant and reliable witnesses it appears that the mother of these children was a citizen by blood of Shawnee. There has been sufficient proof as to the residence of these children in the Cherokee Nation. Pending final disposition of the citizenship of the mother of these children, they will be placed upon a doubtful card for the future consideration of the Commission.

---oooOOOooo---

[redacted]

[redacted]

[redacted]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
[illegible] 1900
ACTING CHAIRMAN

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

Doubtful Card No. 365. Doubtful card No. 366.

Delaware Card No. 179. Delaware Card No. 182.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, 15th 1900.

IN THE MATTER OF THE APPLICATION OF JANE HILL FOR ENROLLMENT AS A CHEROKEE CITIZEN. Miles Miller being sworn before the Commission testified as follows.

Q What is your name? A. Miles Miller.
Q How old are you? A. 44.
Q What is your post office? A. Bartlesville, I. T.
Q Do you know Jane Hill? A. Yes sir.
Q What do you know of her blood? A. Her father is a Delaware and her mother is a Shawnee.
Q By blood? A. Yes sir.
Q Do you know when she was born? A. ~~XXXXXXXXX~~ Dont know when she was born.
Q How long have you known her? A. Ever since she was a baby.

John Brown being sworn testified through Simon Love as Interpreter as follows:

Q What is your name? A. John Brown.
Q What is your age? A. 68.
Q What is your post office address? A. Bartlesville.
Q Does he know Jane Hill? A. Yes sir she is his daughter.
Q What was her mother, a Shawnee or Delaware? A. Shawnee.
Q Where was Jane Hill born? A. At his house on Caney River in the Cherokee Nation, this District.
Q Is Jane Hill's mother alive? A. No sir.
Q When did she die? A. In 1890 or '91, something like 9 years ago.
Q Does he know what Jane Hill is, a Shawnee or Delaware? A. He claims her as a Delaware.
Q Was Jane Hill's mother his wife? A. Yes sir.
Q What was her blood, Shawnee or Delaware? A. Shawnee.
Q But he is a Delaware? A. Yes sir.
Q As he understands it, he is a Delaware and his wife, the mother of Jane Hill was a Shawnee? A. Yes sir.

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

Chas. von Weise

Subscribed and swern to before me this the 22d day of October, 1900.

Commissioner.

"R"

D 566

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Katie Brown, for the enrollment of herself and sisters as citizens of the Cherokee Nation:

The applicant's father, John Brown, was notified by registered letter on February 12, 1902, that the application of his children for enrollment as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that he could, on said day, appear before the Commission, either in person or by attorney, and an opportunity would be given him to introduce any further testimony affecting said application.

He has this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

D565

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Brown, Lucinda Brown and Annie Brown as citizens of the Cherokee Nation of Delaware blood.

D E C I S I O N.

--oOo--

The record in this case shows that on October 11, 1900, John Brown appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of his three minor daughters, Katie, Lucinda and Annie Brown, as citizens of the Cherokee Nation of Delaware blood. Further proceedings in the matter of said application were had at Nowata, Indian Territory, on October 19, 1900. The application also included John Brown, but, as he is differently classified, he is not embraced in this decision.

The evidence shows that the applicants herein are children of John and Sarah Brown, the former being a Delaware and the latter a Shawnee Indian. John Brown is identified on the Cherokee Authenticated tribal roll of 1880 as an adopted Delaware. The mother of the applicants herein has been dead about nine years.

John Brown came to the Cherokee Nation with the Delaware Indians, and has resided continuously therein since. The children are considered to have resided continuously in the Cherokee Nation up to and including the date of this application.

It is, therefore, the opinion of this Commission that Katie Brown, Lucinda Brown and Annie Brown should be enrolled as citizens of the Cherokee Nation of Delaware blood, 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.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

Muskogee I. T. November 29th 1902.

Cherokee D 565.

In the matter of the application of ~~[illegible]~~ Katie Brown, Lucinda Brown and Annie Brown for enrollment as citizens of the Cherokee Nation of Delaware Blood.

Motion to Reopen.

Comes now the Cherokee Nation and represents to the Commission that the testimony in this case shows that the mother of the applicants herein was a recognized Shawnee citizen of the Cherokee Nation and the father was a Delaware citizen of the Cherokee Nation, hence the Children should be enrolled as citizens of the Cherokee Nation of Shawnee blood and not as citizens of the Cherokee Nation of Delaware blood and therefore moves the Commission that its judgment be set aside and this case be reopened and that a new judgment be rendered ordering the applicants to be enrolled as citizens of the Cherokee Nation of Shawnee blood.

Respectfully submitted,

Reference is made to D 566.

W. W. Hastings

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 565.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting the application of John Brown for the enrollment of his three minor children, Katie, Lucinda and Annie Brown, as citizens of the Cherokee Nation of Delaware blood.

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

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

~~Acting Chairman.~~

Enclosure H. No. 8.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-565

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of John Brown for the enrollment of his three minor children, Katie, Lucinda and Annie Brown, as citizens of the Cherokee Nation of Delaware blood, together with the Commission's decision, dated November 12, 1902, granting said application, and a motion of the Cherokee Nation to reopen this case, dated November 29, 1902.

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

Respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-565

Muskogee, Indian Territory, March 19, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 17, 1902, granting the application of John Brown for the enrollment of his three minor children, Katie, Lucinda and Annie Brown, as citizens of the Cherokee Nation of Delaware blood, was affirmed by the Secretary of the Interior on March 9, 1903.

Respectfully,

Chairman in Charge.

THE MATTER OF THE APPLICATION OF

Katie Brown et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Q- [illegible] they Shawnees or ~~[illegible]~~ Delawares?

A- Their father was Del-

Q- [illegible] mother was a Shawnee

Test [illegible]

Katie Brown et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/1/[illegible]

B. Memo. of application of 10/1/[illegible]

C. Supplementary testimony of [illegible]

D. Notice of final consideration 3/1/02

Copy [illegible]

Cancelled and transferred to Cherokee [illegible] 379

See Delaware Jacket 162

Del. 70, Cher. [illegible]

Cher D 566

2560

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Bartlesville, I. T. October 11th, 1900.

IN THE MATTER OF THE APPLICATION OF ALBERT T. HILL FOR THE ENROLLMENT OF HIMSELF AND WIFE AS CHEROKEE CITIZENS.

The said Albert T. Hill, being sworn, and examined by the Commission, testified as follows:

Q What is your name? A Albert T. Hill.
Q How old are you? A Twenty-six.
Q What is your post office address? A Dewey, Indian Territory.
Q Are you a resident of the Cherokee Nation? A Yes, sir.
Q How long have you resided in the Cherokee Nation? A Ever since I was born, I guess.
Q You were born here and you have lived here all your life? A Yes, sir.
Q Have you ever been out side of the Cherokee Nation A No, sir.
Q Are you making application for your enrollment as a native Cherokee, or an adopted Shawnee, a Delaware or-----
A (interrupting) As a Delaware.
Q To what district in the Cherokee Nation do you belong? A I live here. I don,t know what district.
Q Coowescoowee district. Does that sound like it? A Yes, sir.
Q What is your father's name? A My father had a Delaware name, I believe.
Q What was it? A Ak-teen-ka-pen.
Q Is your father living? A No, sir; he is dead.
Q How long has he been dead? A About twenty-four years.
Q Was your father a Delaware Indian? A Yes, sir.
Q What was your mother's name? A Hannah Webbert
Q Has she always gone under that name? A Yes, sir; ever since she was married.
Q How long has she been married? A I don,t know how long she has been married.
Q Has she been married twice? A Yes, sir.
Q Wasn,t her name Hill at one time? A Yes, sir.
Q How long has she been married and known by the name of Webbert? A I don,t know, about seventeen or eighteen years, I guess.
Q Are you married? A Yes, sir.
Q Are you making application for your wife? A Yes, sir.
Q What is your wife's name? A Jane Brown.
Q Don,t you call her Jane Hill, now? A Yes, sir.
Q Is she a white woman? A No, sir.
Q A Delaware Indian? A She is a half breed Shawnee.
Q Where did you marry her? A In the Indian Territory.
Q When? A Last January.
Q Have you any children? A No, sir.
Q What is your wife's age? A She is eighteen.
Q What is her father's name? A John Brown.
Q Is he a Cherokee Indian? A He is a Delaware.
Q What is your wife's mother's name? A I don,t know

Albert T. Hill et al--s.

what her name was--Sarah, I believe was her name.
Q Was she a Shawnee Indian? A Yes, sir.
Q Was your father here this morning? A My father-in-law was, yes.
Q Is your wife's sister named Katie? A Yes, sir.
Q Is anothere one named Lucinda? A Yes, sir.
Q Another one named Annie? A Yes, sir.

1880 Roll, page 120, No. 1499, Ben Hill, Coowescoowee District, Adopted Delaware.

Q Is your name Ben? A Yes, they call me Ben all the time; it is a nick name, bough.

1896 Roll, page 372, No. 337, Ben Hill, Coowescoowee District.
1896 Roll, page 360, No. 95, Jannie Brown, Coowescoowee District.

The name of the applicant appears upon the 1880 authenticated roll of the citizens of the Cherokee Nation as Ben Hill, and on the 1896 census roll of the Cherokee Nation as Ben Hill, and the applicant is identified as the party so enrolled on those two rolls; and having given sufficient testimony as to his continued residence in the Cherokee Nation for the time prescribed by law, he will be listed for enrollment by this Commission as a citizen of the Cherokee Nation by Delaware Blood.

He also makes application for the enrollment of his wife, Jane Hill, as a citizen of the Cherokee Nation, and it appears from the testimony that there is a question as to the tribe to which his wife's mother belonged, whether she was a Shawnee or a Delaware Indian. Reference is made to Cherokee Roll Card No. D-563, the enrollment of his wife's sisters, Katie, Lucinda and Annie, and the testimony of John Brown, the father of his wife, given before the Commission this day.

Pending the final decision as to the tribe in which his wife will be enrolled, her name will be placed upon a doubtful card.

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

Subscribed and sworn to before me this [illegible] day of October A. D. 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
20 1902
ACTING CHAIRMAN

SUPPLEMENTAL.

Doubtful Card No. 243. Doubtful Card No. 296.

Delaware Card No. 179. Delaware Card No. 180.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, 10th 1906.

IN THE MATTER OF THE APPLICATION OF JANE HILL FOR ENROLLMENT AS A CHEROKEE CITIZEN. Allen Miller being sworn before the Commission testified as follows.

Q What is your name? A. Allen Miller.
Q How old are you? A. 66.
Q What is your post office? A. Bartlesville, I. T.
Q Do you know Jane Hill? A. Yes sir.
Q What do you know of her blood? A. Her father is a Delaware and her mother is a Shawnee.
Q My blood? A. Yes sir.
Q Do you know when she was born? A. Remember. Don't know when she was born.
Q How long have you known her? A. Ever since she was a baby.

John Brown being sworn testified through Simon Lowe as Interpreter as follows:

Q What is your name? A. John Brown.
Q What is your age? A. 68.
Q What is your post office address? A. Bartlesville.
Q Does he know Jane Hill? A. Yes sir she is his daughter.
Q What was her mother, a Shawnee or Delaware? A. Shawnee.
Q Where was Jane Hill born? A. She was born on Caney River in the Cherokee Nation, this District.
Q Is Jane Hill's mother alive? A. No sir.
Q When did she die? A. In 1899 or '98, something like 8 years ago.
Q Does he know what Jane Hill is, a Shawnee or Delaware? A. He claims her as a Delaware.
Q Was Jane Hill's mother his wife? A. Yes sir.
Q What was her blood, Shawnee or Delaware? A. Shawnee.
Q But he is a Delaware? A. Yes sir.
Q As he understands it, he is a Delaware and his wife, the mother of Jane Hill was a Shawnee? A. Yes sir.

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

Chas von Weise

Subscribed and sworn to before me this 1st day of October, 1906.

Commissioner.

D 566

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

FILED
20 1902

ACTING CHAIRMAN.

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C. D-566

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Jane Hill for the enrollment of herself and child as Cherokee citizens.

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

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the first day of March,1902. Receipt was acknowledged of the Commission's letter and on said date the case was continued by agreement until the 10th dayof March,1902. The applicant was notified that she could appear on said date before the Commission eitherin person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application . The case having this day, to-wit: the 10th day of March,1902, been called, and the applicant failing to respond either in person or by attotney it is considered that the testimony in same is completed and the case will be reported to the Commission for final decision based upon the evidence now of record.

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

M D Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1902.

In the matter of the application of William Tucker for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-136.

Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's father, Lewis Tucker, that it would on the 28th day of May, 1902, at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of his son, William Tucker, to enrollment as a Cherokee Freedman. The applicant has this day been called and fails to respond, either in person or by attorney.

DANIEL ROACH, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Daniel Roach.
Q What is your age? A 76 years old.
Q What is your postoffice? A Braggs.
Q Do you know Lewis Tucker? A Yes, sir.
Q Do you know a child of his, Will, by Lizzie Weaver? A Yes, sir.
Q Did you know Lizzie Weaver's father? A Yes, sir.
Q What was her fathers name? A I don't remember, Hanston.
Q Did you know Reuben Hall? A Well, he is the man, Reuben Hall.
Q Did you know Reuben's father, Ab? A Yes, sir.
Q Well how long did you know AbHall? A Well I knew him about two years, he come here, the first time I ever saw him was at Gibson about two years, I think.=
Q About two years when? A Two years before the war.
Q Did you know Reuben before the war? A Did not.
Q You knew Ab? A Yes, sir. I know Reuben after the war.
Q Well Reuben or his father, Ab Hall, what did they claim to be? A Well they claimed to be Katawbas.
Q Did they claim to be colored? A Didn't claim to.
Q Now tell what you know about them? A Well Reuben Hall sent me to his mother, to tell her if she would claim colored that she could get perhaps a citizenship here. Now he sned me to go, that is about all I know about that colored part. She was trying to get her citizenship by calling herself a Cherokee, and she couldn't make it.
Q Who was trying to get citizenship? A Reuben Hall's mother. Reuben told me, he says "You go and tell mother if she will claim to be colored" he thought that she could get in, try to persuade her to do so, and she rejected.
Q Did you go to her? A Yes, sir, but she rejected.
Q She refused to be by called colored? A Wass Hanson had her then for a while.
Q Well when was this that they were trying for citizenship? A Well I think sometime about when, I don't know, drawing money inthe Cherokee Nation, about the second, I think the second, the first or second time; it's been so long I forgot.
COMMISSION: Do you know whether mother of this child William is, Lewis Tucker, claims to be his child? A Well it's Hall's I think, Reuben Hall's.

Q Reuben Hall's daughter? A Yes, sir.
Q Know what her name was? A I did, but I forgot it. What's the name down there, I could tell you if you called it perhaps.
Q Do you know anything about the marriage of Lewis Tucker and this Reuben Hall's daughter? A Well yes, sir, Reuben Tucker had a wife there, called Ann, a colored woman.
Q That is his present wife; that is, she is dead? A She raised that girl and after raising the girl Tucker had a child by her some way or other by some means, and this is the child.
Q How often was Tucker married, do you know? A Never was married but once.
Q And that wife was named Ann? A Ann Tucker, that was his principal wife.
Q Well was this girl that was raised by Tucker's wife sometimes known as Lizzie Weaver? A Lizzie Weaver?
Q Yes, sir, did they ever call her Lizzie Weaver? A They called her Lizzie; I don't know about the Weaver part.
Q She was living at Tucker's house? A Right there with Tucker, raised right on his place.
Q And during that time this child was born? A Yes, sir.
Q Tucker was never married to her? A No, sir, oh, no.

ROSWELL MACKEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Roswell Mackey.
Q What's your age? A About eighty years old.
Q Where do you live? A I live at Bragga.
Q Did you know Lewis Tucker? A Yes, sir.
Q Did you know his wife, Ann Tucker? A Yes, sir, I knowed her too.
Q Did you know a girl that Ann raised by the name of Lizzie? A Yes, sir.
Q What was her other name? A Lizzie; her father, let me see, Hall.
Q Lizzie Hall? A Yes, sir.
Q Did this Lizzie ever have a child? A Yes, sir.
Q By Lewis Tucker? A Yes, sir, Tucker claims it.
Q Claimed it? A Yes, sir.
Q Was he ever married to her? A No, sir, stole it I reckon.
Q I will ask you, Uncle Roswell, if you knew Lizzie's father? A Yes, sir, I knew her father.
Q What was her father's name? A Reuben Hall.
Q Did you know her grandfather Ab? A Yes, sir, I knowed him too, know he stayed with us.
Q Well when did you know him? A That was before the war up here to Gibson.
Q What was he; was he a Cherokee, colored, white or what? A He was a Katawba, that's what they said.
Q Did he ever claim to be colored? A No, sir, he didn't; never claimed to be colored at all.
Q Well where did you know him at? A Up to Gibson.
Q Did you work with him? A Yes, sir, I worked with him one season, farmed with us one season there.
Q At whose place? A Jim Mackey's, Dixon place, Dixon used to live there, but my master had moved there.
Q Your old master? A Yes, sir, my old master.
Q He lived there one season with you? A Yes, sir, made a crop there.
Q Claimed to be a Katawba did he? A Yes, sir, I took him to be a Katawba, and he claimed to be.
Q You know now that Lewis and this child Will's mother Lizzie, wasn't married? A No, no, sir, they wasn't married at all.

COMMISSION: Do you know Reuben Hall's wife? A Yes, sir.
Q The mother of Lizzie? A Adm.
Q What was she? A I don't know.
Q Did you know Lizzie's mother? A I know her, but I can't call her name.
Q Well what was she, what was her citizenship? A White.
Q She was a white woman? A Yes, sir, white woman.
Q Wasn't colored? A No.
Q Did she ever claim to be? A No, sir, didn't claim to be.

MARTIN V. BENGE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Martin V. Benge.
Q What is your postoffice? A Fort Gibson.
Q What is your age, Mr. Benge? A I am 45 past, going on 46.
Q Were you a member of the Cherokee senate? A Yes, sir.
Q I will ask you while a member of the senate were you a chairman of any committees? A Yes, sir.
Q What committee? A I was chairman of the citizenship committee.
Q Now I will ask you if while you were chairman of that committee Reuben Hall ever made application for citizenship to the Cherokee Council? A Yes, sir.
Q Well what did he claim to be, just make a statement now? A Claimed to be a Cherokee.
Q Cherokee? A Cherokee by blood.
Q Well do you know whether anything was said about his being colored? A Yes, sir, that was after he put his application in to be admitted as a Cherokee by blood. Why the evidence, after hearing the case, why itdid not show that he was, and so the case was rejected, or there wasn't any report in his favor made, and then after that why he talked to me, and then I told him that there wasn't any chance for him, told him that there wasn't any possible show for him to be admitted as a Cherokee by blood for the simple fact that he didn't have no evidence that would bear him out in that, and if he put his application in as a colored person and could establish the fact that he was here before the war, belonged to some Cherokee, that he might get in.
Q What did he say then? A He said he didn't have any colored blood in him and he wouldn't do it.

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Arthur G. Gronninger, 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. Gronninger.

Subscribed and sworn to before me this 9th day of July, 1908.

Notary Public.

F. D-566.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 29, 1902.

In the matter of the application of Aggie Little for the enrollment of herself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-566.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

TESTIMONY IN BEHALF OF APPLICANTS.

HARRY STILL, being first duly sworn, testified as follows:

MR. SMITH: What is your name? A Harry Still.
Q How old are you? A 54.
Q Where do you live? A Hayden.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Are you a recognized Freedman? A Yes, sir.
Q Do you know Aggie Little? A Yes, sir, I know Aggie.
Q Whose wife is she? A Grandison Little.
Q Where does she live? A She lives up now near the Goosenack Bend on the west side of the river.
Q In what Nation? A Cherokee.
Q Did you know her mother? A I wasn't acquainted with her mother; I saw her mother.
Q Did you know her father? A I saw him.
Q What was his name? A Houston Martin; I wasn't acquainted much with him.
Q When did you first see Houston Martin after the war? A Well it was about the middle of January in '67 the first I ever saw him, over there on Fryer Creek.
Q What were they doing on Fryer Creek when you saw them? A Houston was at old man Joe Wolfe's. I don't know what he was doing, whether he was making a place or not, and his wife.
Q Well when did you next see him after you saw him at that time? A Well, never saw that man that I know of but once after that; it seems to me I saw him on Grand River.
Q Do you know how long after? A I won't say positive; it may have been two years; it may have been longer; I have never saw him since then.

MR. HASTINGS: Where were you living at that time? A On Lightning Creek.
Q You have testified in quite a number of freedmen cases, haven't you, Harry? A Good many, yes, sir.
Q You were living on Lightning Creek at that time? A Yes, sir.
Q Living there with your mother? A Yes, sir.
Q How far from where the Hayden postoffice now is? A Two miles.
Q What direction? A Northeast.
Q Your mother had come down there? A Yes, sir, was there then.
Q Mose Whitmire had come? A Yes, sir.
Q With his family? A Yes, sir.
Q Lewis Whitmire had come with his family? A Lewis didn't have none.
Q Did Aaron Wright come down with his family? A Aaron was twelve miles from there; yes, sir, he wasn't on Lightning Creek at all.
Q He had come down with his family? A Yes, sir, he was in the Cherokee Nation.

Q The women and children that belonged to both families were down here? A Yes, sir, Aaron Wright didn't settle on Lightning Creek when I come here.
Q But then they come, they had their families? A Yes, sir.
Q They had come in the fall of '66 before that? A Yes, sir.
Q How how long had you been up there in that country? A How long had I been there?
Q Yes, sir. A On Lightning Creek?
Q Yes, sir, when you saw this man Martin, Houston Martin? A I had been there, the last trip I made in September, got there sometime in September; it was in, oh, about three or four months, something like that.
Q Three or four months you had been there? A Yes, sir.
Q Now these other families had been there that long too? A Yes, sir.
Q Who did you come back to the Cherokee Nation with there when you moved down here? A Several people come with me; I didn't come with anybody; they come with me.
Q You was the leader? A Yes, sir.
Q You belong to the Freedmen Protective Association? A No, sir.
Q You don't know of such an association? A No, sir, don't know nothing at all.
Q Never heard of one? A No, sir, I have heard you asking about that, that's all.
Q And the freedman don't have an association up there at all? A No, sir, not up there; we have got no such thing on Lightning Creek.
Q Do you know Squire Ward? A Yes, sir.
Q Do you know anything about the Association of which he is president? A No, sir.
Q You don't know that? A Not a thing.
Q Do you know the one that Uncle Nelson Murrell is a member of? A No, sir, I don't know that.
Q Do you know the one of which Sam Webber is a member? A No, sir, I don't know that.
Q You never heard of that association then? A I only heard you asking questions about it; I don't know a thing about it, only what I heard you asking about it.
Q What were you doing up there at Pryor Creek that time? A Going to my father's.
Q Did you stop along on the way and you saw this man? A Stopped at Joe Wolfe's, yes, sir.
Q What was Houston Martin doing? A Houston Martin wasn't doing anything when I saw him; he was there at Joe Wolfe's; don't know whether he was building a house or what.
Q He wasn't at work of any kind? A No, sir.
Q How long after that until you saw him again? A A A year and a half or two years.
Q Had his ife, had the woman he called Malinda any children? A Had two twin children, two little girls.
Q You saw them? A Yes, sir.
Q You remember those twin children of course? A I don't remember only what since the girls growed up I have always heard that they was.
Q Now ever since '67 you remember the circumstance of passing along the road and of meeting these people and knowing that she had twin children there; and that was along about the middle of January, '67? A Yes, sir.
Q You remember that? A Yes, sir.
Q Where was your father living at that time? A Right below Bryant's old salt lick on Grand river, on this side, three miles below there.
Q Horseback or in a wagon? A Horseback.

Q How long did you stop at this place where you saw these parties?
A Stopped all night; stayed all night, going back.
Q Did you see them as you went back? A Yes, sir.
MR. SMITH: How far does Squire Ward live from you? A Ten miles.
Q How far does Nelson Murrell live from you? A About twenty.
Q How far does Sam Webber? A I think Uncle Nelson lives 25.
Q Sam Webber? A Sam Webber lives 13 or 14 or I think 15 miles from me.

FRANK ROSS, being first duly sworn, testified as follows:

MR. SMITH: What is your name? A Frank Ross.
Q How old are you? A 54.
Q Where do you live? A On Lightning Creek.
Q Are you a freedman? A Yes, sir.
Q Do you know Aggie Little? A Yes, sir.
Q Whose wife is she? A She was Grandison Little's wife.
Q Well did you know her father? A Yes, sir, I knew him.
Q What was his name? A Houston.
Q Houston what? A Martin.
Q Houston Martin? A Yes, sir.
Q Did you know her mother? A Yes, sir. Malinda her name was.
Q When did you first see either Houston or Malinda after the war?
A It was in January, '67.
Q Where? A On Pryor's Creek.
Q What were they doing there? A They came down there, and he was sick, and they went back some way, went back to Ottawa I think, and he died; he didn't stay down there long.
Q Well about how long do you think they stayed there, or do you know? A I don't know exactly how long they stayed there.
Q Did you see them once or more than once? A I seen them more than once; didn't work very far from where I lived up there; was sick, and I used to go up there and see him.
Q At whose place did they stay? A Close to Joe Wolfe's.
Q Who was Joe Wolfe, was he a colored man? A Yes, sir.
Q Did they have any children? A They had two twins, the girls were.
Q Twins you say? A Yes, sir.
Q Girls? A Yes, sir, they said they were girls; they was little bits of things.
Q You say you don't know just how long theystayed there? A No, I don't know.
Q Well did they stay there several weeks or several months or several years or what; your best judgment? A I don't think they stayed there over two or three weeks.
Q Do you know of your own personal knowledge where they went to when they left there? A No, they said they were going back to Kansas, I think, Ottawa.
Q Did you see them any more? A I never seen him nemore; I saw his girls after that.
Q Where did you see her? A Saw them up in the Bend I think.
Q Where? A Up in the Goosneck Bend.
Q Well about how long after that time you saw them in January, '67?
A Oh, it must have been four or five years.
Q Well how old was she then, the girl? A She must have been five or six years old.
Q Who had charge of her? A Her grandmother.
Q What was her grandmother's name? A Nancy.

Q Nancy what? A Nancy Martin I think.
Q Well what was the girls name? A The girls?
Q Yes, sir. A Aggie and-
Q Aggie, was she the one you saw up there in Goosenack? A Yes, sir.
Q Well how often would you see her after that, how often did you see her? A Lots of times after that.
Q Where would she be when you would see her after that time? A Be around, the celebration, the meeting ground up there.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know when she married? A No, I don't know exactly when she married.
Q Now this man that you call Grandison Little, how long had you been acquainted with him? A I had been acquainted with him a long time.
Q Well where did he live? A He lived up there on the Bend, on Snow Creek, when I first saw him.
Q In the Cherokee Nation? A Yes, sir.
Q Was that before or after this little girl was grown? A Oh, way before that.
Q He was living there before she was grown? A Yes, sir.
Q And when she grew up she married him? A Yes, sir.
Q Where did she go after their marriage? A Up on Verdigris up close to Longpah.
MR. HASTINGS: How far were these people from you when you first saw Houston Martin in the middle of January of '97? A About a mile, I guess, mile and a half; a mile and a half from where I lived up to where Joe Wolfe lived, and they camped then close to Joe Wolfe's.
Q They just camped there? A Yes, sir.
Q And they stayed there two or three weeks and went back to Ottawa, Kansas? A Yes, sir, but the two girls, I guess-
Q You have heard that he had afterwards? A I heard that, yes, sir.
Q How long afterwards? A It must have been about a year after.
Q About a year after that? A Yes, sir, I don't know exactly how long.
Q They didn't build any house there then? A Not as I know of, no.
Q They never had any house of their own? A No.
Q They just camped there when you saw them? A Yes, sir.
Q How old were these girls when you saw them? A Oh, they were babies when I seen them.
Q Year old? A No, I don't think so; they didn't look to be a year old; they were small.
Q Well could they walk? A No, sir, they couldn't walk.
Q. And you remember their names? A Yes, sir, I remember their names.
Q You remembered that ever since '97? A I remembered the names after they got grown, that's all, yes, sir.
Q Well but you remember that they were named when you saw them there the first time? A I never asked the names.
Q What year did the Kansas-Clifton make a roll? A I don't know exactly just now.
Q What year did Mr. Wallace make a roll? A It was in '90 sometime.
Q '90 sometime? A I think it was; I am not certain.
Q What year is this? A This is 1902.
Q What year were you born? A I don't know; I couldn't tell you.
Q What year were you married? A Me?
Q Yes, sir. A I was married in '92.
Q Where were you married? A I was married in Kansas.

Q What time in the year were you married? A January.
Q What town in Kansas? A No town at all; close to a town.
Q Close to what town? A Iola, Kansas.
Q And you never saw Houston Martin after you saw him camped there?
A No, sir, I never seen him no more.
Q What is his wife's name? A Malinda.
Q And you heard they went back up to Ottawa, Kansas, and that he died up there? A Yes, sir.

MR. HASTINGS: The Cherokee Nation, for the purpose of contradicting Harry Still and this witness, desires that the testimony heretofore filed in the case of Freedman Doubtful 518, also in the case of Freedman Doubtful 516, and also in the case of Freedman Doubtful 531, together with the testimony of Reuben Sanders in that case, be filed with and made a part of the record in this case. They also ask that the application made for citizenship to the Chambers Court by Marish Whitmire, filed in the case of Marish Hayden, the same being numbered Freedman Doubtful 488, be filed and made a part of the record in this case.

MR. SMITH: The applicants object to the introduction of the above testimony because the same is incompetent and was not taken with reference to this case nor under the rule of this Commission with regard to notice and opportunity for cross-examination, and because the same is hearsay, and because the testimony offered is not the best evidence, not being original, and because the same is incompetent in the manner and form offered.

COMMISSION: This testimony will also be filed in the matter of the application of Amanda Sanders et al, D-567, who are represented by Mellette & Smith.

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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 10th day of July, 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. August 26th 1902.

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In the matter of the application of Jane and Alonzo T. Hill for enrollment as citizens of the Cherokee Nation of Delaware Blood.
C. D. 566.

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The Cherokee Nation desires to protest against the enrollment of the applicants as citizens of the Cherokee nation of Delaware Blood and asks that the decision of the Commission rendered on August 11, 1902 be forwarded to the Honorable Secretary of the Interior for review .

The testimony in this case shows that the father of the applicants was a Cherokee citizen of Delaware Blood and that the mother of the applicants was a recognized Cherokee citizen of Shawnee blood and the contention of the Cherokee Nation is that the citizenship of the Children should follow and be that of the mother and that inas much as there is no contention but that their mother was of shawnee blood that the applicants should not be enrolled as of Delaware blood following their father but should be enrolled as of Shawnee blood following their mother. This is the only point in the case for consideration whether the Children will follow the status of their father or their mother.

Respectfully submitted,

W. W. Hastings

J. G. S. Attorney for the Cherokee Nation.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-566

Muskogee, Indian Territory, February 9, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Albert T. Hill for the enrollment of his wife, Jane, and minor child, Alonzo T. Hill, as citizens of the Cherokee Nation of Delaware blood, together with the Commission's decision, dated August 11, 1902, granting said application, and the protest of the Cherokee Nation against said decision, dated August 26, 1902.

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

Respectfully,

Acting Chairman.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-566

Muskogee, Indian Territory, March 19, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated August 11, 1902, granting the application of Albert T. Hill for the enrollment of his wife, Jane, and his minor child, Alonzo T. Hill, as citizens of the Cherokee Nation of Delaware blood, was affirmed by the Secretary of the Interior on March 9, 1903.

Respectfully,

Commissioner in Charge.

566

IN THE MATTER OF THE APPLICATION OF

Jane Hill

FOR ENROLLMENT AS

CHEROKEE CITIZENS

40 566

IN THE MATTER OF THE APPLICATION OF

Jane Hill

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony of 10/11/00.

B Memo of Application of 10/11/00.

C Supplementary testimony of 10/19/00

D Birth certificate of Nelonzo Hill.

E Letter to applicant: relative to enrollment

F Notice of final consideration, 3/1/02

G

H Order closing testimony, 3/10/02

See Cherokee docket 2575.

Cher D 567

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., OCTOBER 11th, 1900.

IN THE MATTER OF THE APPLICATION OF Lorinda Pettit for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Lorinda Pettit.
Q How old are you? A Fifty five.
Q What is your Postoffice? A Pushmataha, C. T.
Q In what district do you live? A Pushmataha District.
Q Are you living in Oklahoma Territory? A Yes sir.
Q Who is it you want to have put on the roll? A Just myself.
Q Do you apply as a Cherokee by blood? A Yes sir.
Q How long have you been living in Oklahoma Territory? A Fifteen years last Spring.
Q You have been living in the Territory of Oklahoma fifteen years? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q Are you on the roll of 1880? A Yes sir.
Q What is your father's name? A Francis Hampton.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Delilah Hampton.
Q Is she dead? A Yes sir.
Q When were you married? A Married in 1878.
Q Were you married to your present husband in 1878? A Yes sir.
Q What is his full name? A S. W. Pettit.
Q He is not a citizen of the Cherokee Nation? A No sir; he was before we moved away over there.
Q What is he now? A Part Cherokee and part Osage.
Q He now claims to be an Osage citizen, does he? A Yes sir.
Q Did they call you Louisa sometimes? A Yes sir.

(1880 Roll, Page 567, #1432, Louisa Pettit, Illinois District)
Q Was application made for your enrollment in 1896? A Yes sir; I think it was.
Q Your husband tells you it was? A Yes sir., we came over here.

Samuel W. Pettit, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your full name? A Samuel Webster Pettit.
Q How old are you? A Fifty five.
Q Is your Postoffice the same as your wifes, which has just been given? A Yes sir.
Q Did you apply for enrollment for your wife and children in 1896? A Yes sir.
Q Can you explain why her name can not be found on that roll?
Q Our whole family was enrolled together the same as in 1880, and we were living in the Osage Nation; Mr. Schuringher, the man that enrolled us said they did not have any right to enroll any person who was outside of the Cherokee nation; He said he would take our names then, that he might present it to the Council.
Q And the Council did not approve of the enrollment? A No sir.

Applicant recalled:
The applicant is identified on the roll of 1880, but she is not upon the roll of 1896, and her husband, who testifies in the case, states that application was made for enrollment at that time, but that his wife, as well as the other members of his family were not permitted by the Cherokee authorities to be enrolled in 1896.
The applicant ~~now present~~ is living with her family in what is now Oklahoma Territory, and the Commission will take under advisement the question of her enrollment. The final decision of the Commission will be made known to the applicant at her postoffice address.

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

R R Cravens

Subscribed and sworn to before
me this 11th day of October, 1900.

C M Mills

COMMISSIONER.

"R"

D 567

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Lorinda Pettit, for the enrollment of herself as a citizen of the Cherokee Nation:

Applicant was notified by registered letter on February 12, 1902, that her application for enrollment as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that she would on said day appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application.

She has this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

Cherokee D-567.

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

In the matter of the application for the enrollment of Lorinda Pettit as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 11, 1900, Lorinda Pettit appeared before the Commission at Bartlesville, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that Lorinda Pettit is a native Cherokee and is identified as such on the Cherokee authenticated tribal roll of 1880. The evidence further shows that until about fifteen years immediately preceding her application for enrollment, she resided in the Cherokee Nation, and since that time she has lived with her husband in the Osage Nation of Indians in Oklahoma, her said husband being a member of said tribe. It is further shown that she has not become a member of said Osage tribe of Indians, or of any other government.

It is, therefore, the opinion of this Commission that Lorinda Pettit should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Otm-R

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BERGHTEROD,

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

Cherokee D-567.

Muskogee, Indian Territory, December 6, 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 December 6, 1904, granting the application for the enrollment of Lorinda Pettit as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you 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,

Chairman.

Incl. S-64.

IN THE MATTER OF THE APPLICATION OF

Lorinda Pettit

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of Tufo
B Memo. of application of 1/11/02
C Notice of final consideration, 3/1/02

Transferred to Choctaw No. 10833
Cancelled Jany 3, 1905.

IN THE MATTER OF THE APPLICATION OF

Lorinda Pettit

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 1902

Cher D 568

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
BARTLESVILLE, I.T., OCTOBER 11th, 1900.

IN THE MATTER OF THE APPLICATION OF Samuel Wooster Pettit for the enrollment of John B. Johnson as a citizen of the Cherokee Nation, and the said Samuel Wooster Pettit, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Samuel Wooster Pettit.
Q What is your age? A Fifty five.
Q What is your Postoffice? A Pawhuska, O. T.
Q In what district do you live? A In Oklahoma Territory; Kiowa County, Oklahoma.
Q Who is it you want to have put on the roll? A John B. Johnson.
Q He is your brother in law? A Yes sir.
Q Why does he not apply for himself? A His daughter is lying at the point of death with consumption, expecting to die every day.
Q His family is so situated that he can not leave them now?
A Yes sir.
Q How old is he? A Fifty nine.
Q You do not wish to apply for any other member of his family?
A No sir.
Q What is his Postoffice? A Pawhuska, O. T.
Q Where is he living? Payne County, Oklahoma.
Q How long has he lived there? A Sixteen years.
Q Is he on any of the rolls of the Cherokee nation? A He is on the rolls of the Cherokee nation.
Q Do you apply for him as a Cherokee by blood? A Yes sir.
Q Give me the name of his father please? A Reece Johnson.
Q Is he dead? A He has been dead since before the Revolution.
Q Give me the name please of his mother? A I think as well as I remember, Penelope.
Q Is she dead? A Yes sir.
Q How long has she been dead? A Died before the War.

(1880 Roll, Page 545, #968, John Johnson, Illinois District)
(1896 Roll, Page 190, #2615, John Johnson, Goingsnake D'st)

Q Is Mr. Johnson's wife a Cherokee? A Osage. She is a citizen of the Osage Nation by blood; and a citizen of the Cherokee Nation by blood too: They moved away from the Cherokee Nation to the Osage Nation and took up citizenship there.
Q How many children have they: Several? A Five.
Q Are these children enrolled as Osage Indians? A Yes sir.

The applicant applies for the enrollment of his brother in law, John B. Johnson, who is unable to apply for himself because of the condition of his family, his presence being required by the extreme and continuous illness. John B. Johnson is identified on the rolls of 1880 and 1896 as a Native Cherokee. He is living in what is now a part of Oklahoma Territory, and has for the past sixteen years. His wife and children are said to be Osage citizens.
The application for his enrollment will be taken under advisement, and the result, when finally reached, will be communicated to Mr. Johnson at his Postoffice address.

Q Has Mr. Johnson maintained any business interests during all this time in the Cherokee Nation? A He has kept up his citizenship by holding property: lands and a farm.
Q Been holding property all the time? A Yes sir.
Q And paying to the revenues of the Cherokee Nation? A Yes sir.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a

[redacted]

[redacted]

[redacted]

CONFIDENTIAL

CD568

Cherokee D-568

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 28,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF THE APPLICANT, in the matter of the application of John B. Johnson for enrollment as a Cherokee citizen.

Appearances:
W.F.Seaver, Esq., attorney for the applicant;
W.W.Hastings, of attorneys for the Cherokee Nation.

L.B.BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. SEAVER:

Q What is your name and age? A L.B.Bell, about 63.
Q What position are you now occupying? A Attorney for the Cherokee Nation here before this Dawes Commission, in the Freedmen matter.
Q Were you acquainted with John B. Johnson, the applicant here?
A Yes sir, I am acquainted with him.
Q How long have you known him? A Oh I don't know, I expect from my first recollection, something like that,; that is, since he was big enough to be known; well I will say for about 40 years.
Q What has been his citizenship during the time that you knew him? A Well he was born a Cherokee I think; growed up here as a Cherokee, lived here as a Cherokee, voted and exercised all the rights of a Cherokee, has he? A Well he and I didn't live in the same district, I presume though thathe voted all right; he exercised all the rights and he lived here as a Cherokee until he moved out of the country and went to the Osage Nation.
Q Do you know about what date that was? A No sir, I will say ten years ago I guess.
Q Do you know whether or not at the time he went to the osage nation he had farms and other property here thathe still retained in the Cherokee Nation? A Well when he married he lived down here near Dwight Mission. He had a place down there; I have been down there at his farm.

BY COM'R NEEDLES: Where; in the Cherokee Nation? A In the Cherokee Nation.

BY MR. SEAVER:

Q Was that his first or second marriage? A That was his marriage to the wife he has got now; probably he lived up in what they call Flint District when he married his first wife.
Q His present wife was an Osage I believe, was she not?A Well his present wife was Cherokee when I first knew her; she got to be an Osage afterwards I believe; her mother was Osage, they was citizens here, lived as a Cherokee, her mother was a Cherokee I think; that is what they always claimed to be, Pettits; they was born and raised Cherokees and after the Osages bought that country I think Mrs. Pettit went in there and was recognized and adopted by the Osages. That's his mother-in-law.
Q You don't know whether he has maintained all this time farms in the Cherokee Nation or not, do you Mr. Bell? A No I could not state positively of my own knowledge; My understanding is he sold out down here and bought a farm just east of the Osage Nation on Verdigris; I never was personally at that farm; I have heard him speakof it and talk about it.
Q That is in the Cooweescoowee District I believe? A Cooweescoowee District.
Q Up until the time that he went to the Osage Nation there was no question whatever about his citizenship was there, Mr. Bell? A No, I think not, none that I ever heard.

NO CROSS EXAMINATION.

JOHN B. JOHNSON, being sworn by Commissioner Needles, testified as follows:

BY MR. SEAVER:

Q Mr. Johnson, you are the applicant here in this case are you, John B. Johnson? A Yes sir.

Q You may state where you were born? A I was born in Goingsnake District, Cherokee Nation.

Q What was your citizenship at the time you were born? A Cherokee I guess.

Q Well we don't want any guesses? A That is what I passed for, Cherokee.

Q Was there ever any questionof your citizenship? A No sir.

Q How long did you live in the Cherokee Nation? A I lived there all my life up until 1884.

Q How old are you now?A I am 60 years old.

Q Did you or did you not exercise all the rights of a citizen, voting and drawing money and so on and etc.? A Yes sir, up to the present.

Q Up till the present? A Never have been doubtful, the rights of voting and drawing money.

Q When did you draw the last money? A It was '96 the Old Settler Money was paid wasn't it? (This question addressed to Mr. Hastings.)

Mr. Hastings: Yes, the last Cherokee money was '94.

Q That was the Strip money? A Yes sir, I drawed that.

Q I will ask you to state whether or not you have been exercising rights of suffrage in the country here since you have been living in the Osage country, and if so, when you last did so in this country? A You mean voted?

Q Yes sir. A I voted last April the 29th of April on this agreement.

Q Where at? A Bartlesville.

Q Was there any question raised as to your citizenship at that time? A No none at all.

Q How many times have you been married, Mr. Johnson? A Second time.

Q What was the blood of your second wife? A She is part Cherokee and part Osage.

Q State how you come to go to the Osage Nation? A Well I moved out there because my folks wanted to go there. My wife you know claimed a right there and wanted to go, and of course I went with her

Q At the time you moved there what property did you have in the Cherokee Nation? A I had household goods and a house and one thing and another of that kind.

Q Any farms or anything of that kind? A A farm, I sold my farm down there and bought up here.

Q State where you sold out your farm and where you bought? A I sold out on what they call Sallisaw on the line of Illinois and Sequoyah District in the Cherokee Nation.

Q And then you bought where? A I bought in four miles south and east of Lenapah I believe they call it.

Q In what district is that? A Cooweescoowee District.

Q In what nation? A Cherokee Nation.

Q Now when you went from there to the Osage Nation about what was the value of the property, the farm and other stuff that you left there? A Well about 200 dollars worth of property I had there at the time I ~~said~~ moved.

Q And your farm, about what was it worth? A I sold the farm you know.

Q I mean the one in Cooweescoowee, you didn't sell it did you? A No sir, I have got it yet.

Q Well about what was it worth? A Worth about three thousand dollars.

Q Now state whether or not you ever tried or attemped to obtain a citizenship in the Osage or any other nation other than in the Cherokee? A No sir.
Q Have you ever exercised any rights of citizenship in the Osage Nation? A None at all.
Q State whether you went there to live permanently or what are the facts? A Well I just went there to live for awhile temporarily; I didn't go there to make my home; I claimed my home back on this side.
Q Have you lived back in the Cherokee Nation since that time? A Yes sir, me and my family come over and stayed six months I think it was, in '94, and we went back.
Q In what year did you first go to the Osage Nation? A March, '84.
Q Now then since that time state whether or not you have kept possession of this farm that you speak of in Cooweescoowee District up until ~~thby~~ tenants or otherwise, if so? A I kept tenants on it.
Q State about how often you have been to the place to look after it and collect your rents? A Generally come about three or four times a year.
Q Now then I will ask you to state after June 28, 1898, if you made any disposition under the Curtis Act of any of your property up there; state what you did and state how much you still retained and still own? A I disposed of ~~it~~ all but 160 acres of my farm up there-
Q Up in Cooweescoowee District? A In Cooweescoowee District.
Q To whom did you sell it? A Man by the name of Ben Robins, a Cherokee citizen.
Q State what effects you have, the farm and your effects you have in Cooweescoowee District at this time? A Well I have about 160 acres of farm there and a lot of stock on it, household goods.
Q Have you maintained that all these years? A Yes sir.
Q The fact is that you have sought all the time to keep a citizenship in the Cherokee Nation for yourself? A Yes sir.

BY MR. HASTINGS:

Q Now the ~~xix~~ truth is, Mr. Johnson, your~~xxxx xxxxx~~ wife and children are recognized over in the Osage Nation? A Yes sir.
Q You live over there with your wife and children; you state you have got a farm over there in Cooweescoowee District? A Yes sir.
Q You have been living over there now for about 17 years since '84? A '84, yes sir.
Q When you first went out you had a farm down there and sold that? A Yes sir.
Q When did you acquire the one in Cooweescoowee? A I bought that I don't know exactly the time I bought it.
Q Well about when? A It was about , it must have been about '90.
Q When did you sell that near Dwight Mission, that in '84 after when you left? A Yes sir.
Q How much did you ~~gave~~for the Cooweescoowee farm in '90?A I ~~gate~~three thousand dollars for the whole thing.
Q You mean that you gave out three thousand dollars for it, in money? A Yes, in money.
Q It was not a leased place then? A No sir.
Q When did you vote before last April?A Time Chief Mayes was elected.
Q Which Mayes? A Sam Mayes.
Q In '95? A Must have been '95, over here in Cooweescoowee District, at Gooseneck.

BY COM'R NEEDLES:

Q You say you gave three thousand dollars for the land in Cooweescoowee District? A Yes sir.
Q How many acres of land did you have there? A There was about six hundred acres in the tract.

Q Since that you sold it all except this 160 acres? A Yes sir, I did that under the Curtis Act; I was afraid to try and hold it.

BY MR. SEAVER:

Q I will ask you if it is not a fact that you sued the Cherokee Nation for the Strip money for your children and what was the decision of the court? A I got judgment against it in both, the Circuit Court.

BY MR. HASTINGS: I think if they bring that in the judgment ought to be brought. I donst think that is proper.

BY MR. SEAVER: There is no reason why it can't be done this way, and then if the Commission wants the judgment we can produce it.

BY COM'R NEEDLES: The Cherokee Representatives object to that testimony without you present the records, thatis the best evidence. Of course the objection will be sustained.

BY COM'R NEEDLES:

Q You stated that you were living in the Cherokee Nation, only temporarily? A Osage.

Q In the Osage Nation? A Yes sir.

Q You call it temporary residence to move there and live there from '75 until now? A '84.

Q You call that temporary residence? A (No reply.)

BY COM'R NEEDLES: This testimony will be made part of the record in this case.

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

M D Green

Subscribed and sworn to before me this January 31, 1902.

C. R. Breckinridge.

Commissioner.

(Copy)

EXHIBIT G.

At the Regular term of the Circuit Court of Tahlequah District, Cherokee Nation, Sept. 5th, 1895, in the case of J. B. Johnson et al, vs C. J. Harris, Principal Chief, etc., the parties having submitted a statement of facts in the case to which both agree for a decision of the Court upon examination of the statement of facts the Court finds that it is alleged and admitted that plaintiffs are of Cherokee blood and at one time owned an improvement and lived on it in Cooweescoowee District this Nation, and were citizens thereof; and in April, 1884, removed out of the limits of this Nation into the Osage Nation; and it is further admitted that the wife and children are part Osage by blood and as such that they participated in the per capita payments of money made among the Osage people, and that J. B. Johnson himself drew money at the "Strip" payment among the Cherokee people. It is evident to the Court that the wife, being of elective age, has preferred being a citizen of the Osage Nation, to that of being a citizen of the Cherokee Nation, and in the exercise of that right of choice she has identified herself with the Osage people, and become a recognized citizen thereof, thereby has forfeited all rights of citizenship in this Nation. As the Court holds that the wife in this case being of Cherokee and Osage blood both, cannot hold and exercise the rights of citizenship in the Cherokee and Osage Nations both at the same time, she must identify herself with one or the other. As to the rights of such children of J. B. and Julia M. Johnson might have had born to them prior to their removal to the Osage Nation, being Natural born citizens of this Nation by virtue of their Cherokee

blood, remain unimpaired, they being minors and their rights of citizenship in this Nation being vested by the Constitution and laws of this Nation, the mere fact of their mother having taken them with her when she went to the Osage Nation, does not and cannot divest them of their rights in the Cherokee Nation; there is no power or authority that can divest a minor citizen of this Nation of blood ofhis rights of citizenship.

It is therefore the opinion of the Court that such children of J. B. Johnson and wife, as they might have taken with them when they removed to the Osage Nation, and are now minors have not forfeited their rights in this Nation. That forfeiture of citizenship in this case must be done by a person who is capable of electing as to which of these two Nations they prefer to live in. It must be done voluntarily. And when the children in question reach their majority they will then be competent to elect as to which of these two Nations they prefer to live in. Then if they elect to live in the Osage Nation they will forfeit their rights here; and as to the rights of such children of J. B. and Julia Johnson might have had born to them since the mother has been recognized as a citizen of the Osage Nation, the Court holds are wholly identified with those of the mother; they being of Osage blood and born in the Osage Nation, are Natural born citizens thereof by virtue of their Osage blood, and have no rights in the Cherokee Nation whatever. And judgment is hereby ordered accordingly.

H. L. LANDRUM,
Judge Presiding.

TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES:-

J. B. Johnson
vs.
Cherokee Nation.

Brief of W. F. Seaver,
Attorney for Applicant.

The testimony in this case shows that the applicant moved with his wife and children to the Osage Nation, where his wife was admitted as an Osage by blood some seventeen or eighteen years ago. But that the claimant was not admitted, nor did he at any time try to become a citizen of the Osage Nation, but kept up his citizenship, according to the traditions of his tribe, by owning and contracting property in the Cherokee Nation all of these years, and voted with his tribesmen at different times and as late as the last treaty between the Honorable Dawes Commission and the Cherokee Nation, less than two years ago, and several years since he pays three thousand dollars for farm improvements in the Cherokee Nation and is holding all of said improvements today that he can legally hold; besides he has even moved on said farm and lived for six months at one time within the past few years and has kept property thes all the years that he has sojourned in the Osage Country. But, like Abraham, he has simply sojourned in the Osage country for a season, but has at all times and under all circumstances held to his Cherokee citizenship. Born a Cherokee, by blood, he lived in the Cherokee Nation as a citizen from birth and has continuously exercised citizenship in the Cherokee Nation up to this day, and still is honestly contending for his tribal rights. The law of comity has always allowed citizens of one tribe to live in another, but he neither lost nor gained citizenship thereby. So much so has this been the case that in the town of Muskogee, as the Hon. Commission well knows, there are a number of Cherokee citizens; namely, Dr. F. B. Fite and family, Samuel B. Severs and family, P. W. Blackston and family and many others who have lived in the Creek Nation

as long as, and even longer than, the claimant has lived in the Osage Nation; and whose names are on the Cherokee rolls without question.

I simply quote these cases to show that it is, and has been all the time, the law and custom of the Cherokees to hold citizenship and property in the Cherokee Nation but reside in some other nation as their business interests may demand.

Besides, where, in the name of justice and mercy will the claimant go, if this Honorable Commission denies him? He has not, and cannot, procure a citizenship in the Osage country. Besides, to deny the claimant is simply to confiscate his Cherokee farm, worth from three to five thousand dollars and to put him out of all nations as an Indian; disqualify him from holding any lands in his tribe and declare that his tribe, where he all these years was claiming Cherokee citizenship, and they were allowing him such citizenship, were mistaken; that claimant was a Cherokee, but not a citizen. Such sophistry would be in gross violation of every law and custom of the Cherokee Nation on citizenship and against the principle of common sense and justice.

We submit that the claimant is justly entitled to be enrolled, and we would respectfully ask that his name be entered on the Cherokee rolls as a citizen thereof.

Respectfully submitted,

W. F. Seaver,

Attorney for Claimant.

I hereby accept service of a copy of the foregoing brief and argument, this 4th day of June, 1902.

_____,

Attorney for Cherokee Nation.

Cherokee D-568.

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

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

--:--

D E C I S I O N.

The record herein shows that on October 11, 1900, Samuel W. Pettit appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment of John B. Johnson as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 26, 1901, and at Muskogee, Indian Territory, January 28, 1902.

The evidence herein shows that John B. Johnson is a Cherokee by blood, was born in the Cherokee Nation, and resided therein until the year 1884, when he removed to the Osage Nation, Oklahoma, and has since resided therein, but it does not appear that his rights to citizenship in the Cherokee Nation have been forfeited thereby.

The evidence further shows that since the year 1884 the applicant has owned and had control of valuable properties in the Cherokee Nation, and he is identified on the Cherokee authenticated tribal roll of 1880, the Cherokee Strip payment roll of 1894 and the Cherokee census roll of 1896.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain, et al., (I.T.D. 2900-1903), John B. Johnson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

Chairman

Commissioner.

Muskogee, Indian Territory

this

Commissioner.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-568.

Muskogee, Indian Territory, January 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1906, granting the application for the enrollment of John B. Johnson as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Incl. S-53.

IN THE MATTER OF THE APPLICATION OF

John B. Johnson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/11/00

B Memo. of Application of 10/11/00

C Supplemental testimony of 9/26/01

Supplemental testimony, Jan. 28, 1902

FEB 4 1905

568

IN THE MATTER OF THE APPLICATION OF

Jet. 1 John

FOR ENROLLMENT AS

CHER

Cher D 569

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
BARTLESVILLE, I.T., OCTOBER 11th, 1900.

IN THE MATTER OF THE APPLICATION OF Amanda M. Keys for the enrollment of her daughter and grand children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Amanda M. Keys.
Q What is your age? A Seventy five years old.
Q What is your Postoffice? A Oshalata.
Q In what district do you live? A Goomeneccowee.
Q You want to make application now for a daughter and two of her children? A Yes sir.
Q That daughter is a confirmed invalid, is she? A Yes sir.
Q And unable to apply for herself? A yes sir.
Q What is the name of this daughter of yours? A Nellie Walker Litton.
Q How old is she? A She is thirty seven years old.
Q When was she married? A She was married fourteen years last Christmas.
Q About fourteen years ago? A yes sir.
Q Was she admitted to citizenship at the same time you were? A yes sir.x, they made a mistake and put Willie instead of Nellie.

The applicant presents an official copy of an Act of the Cherokee Council, approved February 1st, 1888, showing that sundry persons were admitted to citizenship, and among those names, appears Willie W. Keys, or Willie N. Litton; admitted to the rights and privileges of a Cherokee citizen by blood; given as a member of the family of Richard R. Keys, and are named with the applicant, his wife.

Q Now that you say is intended for your daughter for whom you apply now? A Yes sir; and her two children: She has two children.
Q There appears also the name of Nettie Litton: Is that one of her children? A Yes sir; her name is Nita: That was a mistake.
(This is recognized as official evidence of the facts stated)
Q How long has this daughter lived in the Cherokee Nation?
A She came here twice to live.
Q How long has she lived here the last time? A Just a few months, and went home.
Q Is she not living in the Cherokee Nation now? A No sir, she is living in California: She can not live here: She is an invalid.
Q What is her trouble ? A Female disease.
Q How long has she been living in California? A All her life.
Q She has never stayed here but a short time each time? A No sir; a few months at a time: She has a fine place well improved: She has a son that was admitted by the Council.
Q Is her husband living? A yes sir.
Q What is his name? A Albert P. Litton.
Q Is he a citizen of the State of California? A No sir; he is a citizen of Missouri.
Q Now give me the names of these two children? A Nita Litton.
Q How old is that child? A Fourteen years old.
Q Give me the name of the next child? A Cecil S. Litton.
Q How old is that child? A Nine years old, past.
Q These children are living now, are they? A yes sir.
Q This younger child was born since his mother was admitted?
A Yes sir.
Q These children are living with their parents in California?
A Yes sir.
Q What is your daughter's Postoffice? A Healdsburg, California.
(1896 Roll, Page 201, #2907, Nitte Litton, Coo. D'st)
(1896 Roll, Page 201, #2908, Cecil Litton, Coo. D'st)
(1894 Roll, Page 239, #2442, Nellie N. Litton, Coo. D'st)

Q Was this child, Cecil S. Litton born in the State of California?
A Yes sir.

The applicant applies for the enrollment of her daughter and two grand children, children of her daughter: Her daughter is a confirmed invalid, and is in the State of California, and is unable to apply for herself. She is shown to have been admitted to Cherokee citizenship by the Cherokee Council in 1888. She is identified on the roll of 1894, but not upon the roll of 1896. The applicant states that the condition of her daughter's health has made it impossible for her to reside in the Cherokee Nation, except for two brief periods of a few months each, since her admission to citizenship: That she has maintained considerable property ~~rights in the Cherokee nation~~ interests in the Cherokee Nation: The application for the enrollment of this daughter, Nellie W. Litton, will be taken under advisement, and will be carded at present upon a doubtful card for that purpose.

The two children are both minors: The older one, Rita Litton is shown to have been admitted to citizenship at the time of her mother's admission: This child is identified on the roll of 1896; she is living with her mother in California at this time: The question of her enrollment will be taken under advisement, and she will be listed upon a doubtful card with her mother.

The child, Cecil S. Litton is identified onk the roll of 1896. She was born since the admission of her mother, and the application for her enrollment will likewise be placed upon a doubtful card for further consideration.

In connection with this case, attention is called to the Act of the Cherokee Council, approved December 4th, 1894, found on Page 128 of the first annual report of the Dawes Commission.

---

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

R R Cravens

Subscribed and sworn to before
me this 11th day of October, 1900.

Clerk

COMMISSIONER.

Laws of the Cherokee Nation Extra Session Feb,y 1888.
Senate Bill No 17.
An act admitting parties therein named to, Cherokee citizenship.

Be it enacted by the National Council:

That the following named parties towit: Sarah Smith, Fannie E. Hampton, Fredrick Beck, Oceola Allen, Zoe May Hampton, grand children of Mrs Martha Beck, as Cherokees by blood, also Fannie Eliza Hampton, also [redacted] the family of Richard Riley Keys: 1 R.R. Keys, 2nd Amanda Keys, 3rd Samuel H. Keys, 4th George Edward Keys, 5th Willie W. Keys or Willie Litton, 6th Nellie Litton, , also John Parker Collins, also 1, James D. Mulkey, Anna Cora Mulkey, Alonzo Spencer Mulkey, Charles Alva Mulkey, Lewis Mulkey, Johnathan D. Mulkey, Eliza Jane Mulkey, Rose E.C. Mulkey, Willie Ross Mulkey, , also Joel Ellis Hildebrand, also W.D. Thompson, Exa Thompson, Hicks Ellington Thompson, be and they are hereby readmitted to all the rights and privileges of Cherokee citizenship by blood.

Passed Senate Jan. 28 1888.

Lacy Hawkins,
President Senate.

M. Daniels,
Clerk Senate.

Concurred in by the House this Feb. 1st 1888.

Robert Meigs,
Speaker Council.

R.B. Choate,
Clerk Council.

Approved;

J.B. Mayes,
Principal Chief,

Feb. 1st 1888.

Executive Office Cherokee Nation.
Tahlequah I.T.

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

Given under my hand and the seal of the Cherokee Nation this the 25th day of February 1902.

B.W. Alberty
Assistant Executive Sectary
Cherokee Nation.

"R"

D 569

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, March 1, 1902.

In the matter of the application of Amanda Keys, for the enrollment of her daughters and grand-daughters Nellie W. Litten, Nita Litten, and Cecil S. Litten, as citizens of the Cherokee Nation :

Applicant was notified by registered letter February 12, 1902, that the application of Nellie W. Litten, and her children, to be enrolled as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by her agent Joshua Ross, of Muskogee, Indian Territory.

Is there any statement you desire to make in this case ?

Mr. Ross: No sir, you have everything. She sent me this certificate.

There is offered in evidence by the agent of the applicant, a copy of Senate Bill No. 17, showing that Amanda Keys was admitted to citizenship in the Cherokee Nation by the Cherokee National Council on the 1st day of February, 1888. The same is filed herewith.

Do you submit the case in behalf of the applicants ?

Mr. Ross: Yes sir.

The agent for the applicants and the representative of the Cherokee Nation present submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

---

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

E. C. Bagwell

Subscribed and sworn to before me this March 4, 1902.

Commissioner.

Cherokee R 169

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

H.H.L.

In the matter of the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her grand-children, Nita, and Cecil E. Litton, as citizens of the Cherokee Nation.

D E C I S I O N.

---oOo---

The record in this case shows that on October 11, 1909, Amanda M. Keys appeared before the Commission at Bartlesville, Indian Territory, and then and there made application for the enrollment of her daughter, Nellie W. Litton, and her two grand-children, Nita, and Cecil E. Litton, as citizens of the Cherokee Nation. Thereafter, on March 1, 1912, at Muskogee, Indian Territory, further proceedings in the matter of this application were had.

It appears from the evidence in this case that Nellie W. Litton and her daughter, Nita Litton, were re-admitted, with others, to all the rights and privileges of Cherokee citizenship by blood, by an Act of the National Council of the Cherokee Nation on February 1, 1888. By some mistake the name of Nellie W. Litton was written "Willie W. Keys or Willie M. Litton", in that Act and the name of Nita Litton was therein written "Nettie Litton."

It further appears from the evidence that Nellie W. Litton is a confirmed invalid and has lived all of her life in California except for two short periods. The two children of Nellie W. Litton, Nita, and Cecil E. Litton, have lived in California with their parents.

Nellie W. Litton is identified on the Cherokee Strip Payment roll of 1894 as "Nellie W. Litton." Her two children, Nita and

Cecil S. Litton are identified on the Cherokee census roll of 1896, the name of Nita thereappearing as "Nitta." Both children are also identified on the Cherokee Strip Payment roll of 1894, the name of Nita there appearing as "Wanita". It appears from the evidence that neither Nellie V. Litton nor either of her children, Nita and Cecil S. Litton, removed to and in good faith settled in the Cherokee Nation prior to June 28, 1898.

Paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Statu., 495) provides:

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

It is therefore the opinion of this Commission that Nellie V. Litton, Nita Litton, and Cecil S. Litton are not lawfully entitled to be enrolled as citizens by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JUL 29 1902

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON D. C.

In re:

Application for the enrollment of Nellie W. Litton et al as citizens of the Cherokee Nation.

Number Cherokee D 569.

Motion for Review.

Comes now Nellie W. ~~Xxxxxxx~~ Litton and moves the Department of the Interior to review the decision in the above entitled case and to reopen and remand the same to the Commission to the Five Civilized Tribes for readjudication.

Statement.

It appears from the evidence submitted to the Commission to the Five Civilized Tribes that Nellie W. Litton and her daughter, Nita Litton, were readmitted, with others , to all of the rights and privileges of Cherokee Citizenship by blood, by an act of the National Council of the Cherokee Nation on February 1st 1888.

On July 29, 1902 the Commission to the Five Civilized Tribes rendered a decision finding that applicants herein were not entitled to enrollment as citizens of the Cherokee nation because of ~~xxxxxx~~ the understanding then had of Paragraph 9 of section 21 of the act of Congress approved June 28, 1898 And on August 29th 1902 the Commissions Decision was affirmed by the Honorable Secretary of the Interior.

Since that time the Honorable Assistant Attorney General has placed a different construction ~~on~~ said paragraph of said Act of Congress (30 Stats 495) in the case of Joe D. Yeargain to which case reference is respectfully made.

The Commissions decision rejecting the applicants in this case finds that "Nellie W. Litton is a confirmed invalid"etc and in further support of this fact there is attached an affidavit of applicants attending physician G. Walts Sewall to which the attention of the Honorable Secretary of the Interior is respectfully invited.

The applicant, if granted a new hearing, has testimony by which she expects to prove that applicant returned to the Cherokee Nation for the first time in June 1894 and remained four months and returned to the State of California for her health as she could not live in the Indian Territory Climate. She returned to the Cherokee Nation the second time on the 27th day of December 1896 and remained until the latter part of March 1897 when she returned to the State of California where she has since continuously resided.

Applicant expects to prove that upon her first return to the Cherokee Nation she acquired a farm therein and that upon her second trip to the Cherokee Nation she caused a seven wire fence to be erected around her two hundred acre farm and left with her father at that time two horses and one cow.

Applicant Nellie W. Litton does not believe that the act of the Cherokee National Council of December 4th 1894, which required all persons readmitted to remove to and permanently locate in the Cherokee Nation within six months after December 4th 1898, in cases where they were readmitted prior thereto, could in anywise affect the rights of her children because said act contained a provision that "Nothing in this act shall bar minors and orphans." The record in this case will show that her two children are still minors.

Reference is made to the decision of the Department on this act of the Cherokee Council in the case of Ora M. Bonds et al.

Applicant therefore moves the Department to review this case and in the light of the Decision of the Honorable Assistant Attorney general in the Yeargain case she believes that at least her two minor children are entitled to be enrolled as citizens of the Cherokee Nation and therefore prays that this cause be remanded to the Commission to the Five Civilized Tribes for readjudication or for a new trial.

Respectfully, Submitted,

6----------

ATTORNEYS
L. B. BELL.
W. W. HASTINGS.
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please at this letter will you reply or mention the Number [illegible] C. D. 569.

Muskogee, I. T., Feb. [illegible], 190[illegible].

Post Master,

Healdsburg, Cal.

Dear Sir:-

Will you kindly advise us if Nellie T. Hilton and her children are living in California. They claim that they get mail at your office. Will you kindly advise us if they own a farm out there, and do you consider them citizens of the state of California. Also kindly give us the name of their family physician if you know it; and also the name of some old citizen of your town who would likely know how long she has lived there.

Yours truly,

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number Fd 569

Muskogee, I. T. Feb. 20, 1902.

Mr. B. W. Alberty,

Tahlequah,

I. T.

Please send us a certified copy of the act of the National Council, approved Nov. 1st 1888, showing that sundry persons were admitted to citizenship, among them appears the name of Willie W. Keys, or Willie W. Litton, given as a member of the family of Richard R. Keys.

Yours very truly,

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 569.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her two grandchildren, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation.

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

Yours truly,

Commissioner in Charge.

Enc. C. No. 48.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 569.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and her two minor children, Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

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

Cherokee R-684

Tahlequah, Indian Territory, April 28, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On March 5, 1904, the Secretary of the Interior rescinded his action of August 29, 1902, approving the Commission's decision denying the application of Amanda M. Keys for the enrollment of her daughter, Nellie W. Litton, and grandchildren, Nita and Cecil S. Litton, as citizens of the Cherokee Nation, and remanded said case for further testimony and readjudication.

Amanda M. Keys has this day been notified that any further testimony in this case can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on May 31, 1904, at which time you can, if you desire, also be present and introduce testimony on behalf of the Cherokee Nation. Further evidence is particularly required as to residence.

Respectfully,

Chairman.

MPM

Land.
88453-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation of Nellie Walker Litton and her minor children, Nita and Cecil S. Litton.

October 31, 1905, the Commissioner decided adversely to Nellie Walker Litton and favorably to Nita and Cecil S. Litton.

The record shows that all the applicants are Cherokees by blood and that Nellie Walker Litton is the mother of Nita and Cecil S. Litton; that on September 1, 1902, the applicants were aged thirty-nine, sixteen, and eleven years, respectively; that on February 1, 1888, Nellie Walker and Nita Linton were admitted to citizenship in the Cherokee Nation by the duly constituted authorities; that subsequent thereto, on April 17, 1891, Cecil S. Litton was born and that all the applicants have continuously lived in the State of California since their birth. All the applicants are identified on the Cherokee Strip payment roll of 1894 and the minors

are identified on the Cherokee census roll of 1896. It is further shown that Nellie Walker Litton failed to comply with the provisions of the Act of the Cherokee National Council of December 4, 1894, which provides:

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

In view of the record and of the act of the Cherokee National Council of December 4, 1894, the approval of the Commissioner's decision adverse to Nellie Walker Litton and favorably to Nita and Cecil S. Litton is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM-WDW

I.T.D.
15258,
15528-1905.

(Copy)

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

DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney-General,

Washington,

December 28, 1905.

The Secretary of the Interior.

Sir:

I received by reference of December 5, 1905, the record in case of Nita and Cecil Litton, applicants for enrollment as citizens by blood of the Cherokee Nation with request for my opinion thereon.

The applicants, with their mother Nellie Walker Litton, were admitted to citizenship by the Indian authorities February 1, 1888. They have never removed to the Nation but have ever since lived in the State of California. The minors were admitted by the Commission to the Five Civilized Tribes. The Cherokee Nation protests against their admission.

For reasons stated in my opinion herewith submitted upon reference of request by the Commissioner to the Five Civilized Tribes (I.T.D. 13218, 1905) I am of opinion that applicants are barred by the provisions of the Act of June 28, 1898 (31 Stat., 503) that no person shall be enrolled who had not theretofore "removed to and in good faith settled in the Nation in which he claims citizenship" and that the protest of

the Nation should be sustained and enrollment of the applicants be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: December 28, 1905,

Thos. Ryan,

Acting Secretary.

D. C. 808-1906.
I.T.D.15258,18212-1905.
LRS

LIB

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 3, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of December 28, 1905, approved, in the Cherokee enrollment case of Nellie Walker Litton, Nita Litton, and Cecil S. Litton, in which you found October 31, 1905, in favor of Nita and Cecil S. Litton and adverse to Nellie Walker Litton.

In accordance with said opinion, your decision of hereby affirmed as to Nellie Walker Litton and reversed as to the other applicants.

A copy of the letter of the Indian Office of November 14, 1905, recommending that your decision be affirmed, is inclosed.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

2 inclosures.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-684,

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

Muskogee, Indian Territory, January 15, 1906.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Nellie Walker Litton, and granting the application for the enrollment of Nita and Cecil S. Litton, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 3, 1906, as to Nellie Walker Litton, and reversed as to Nita and Cecil S. Litton.

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

Respectfully,

Commissioner.

Incl. S-49

CHEROKEE CASE No. D-569

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

16061

Nellie W. Litton

Nita Litton

Cecil S. Litton

Department of the Interior,
RECEIVED
AUG 10 1902
Enrollment No. 5603
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
MAR 1 1904
Filed with No. 74

As citizens of the Cherokee Nation.

Muskogee, I. T. July 29, 1902, 190

Respectfully forwarded to the Secretary of the Interior for review

Acting Chairman.

Enc 249

569

IN THE MATTER OF THE APPLICATION OF

Nellie W. Litton et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Aug 7 1902

45682

Indian Bureau
Incl. No. 27
1902

51746

THE MATTER OF THE APPLICATION OF

Nellie W. Litton et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/11/00
B Memo. of Application of 10/11/00
C Notice of final consideration, 3/11/05
D Receipt for testimony
E Copy of an act of readmission

Transferred to R-684

See Cherokee [illegible]

Cher

D570

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 15 1900

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct. 11 1900.

In the matter of the application of George W. Tyner for the enrollment of CLINTON EDWIN TYNER as a Cherokee citizen; the child's mother, Siota C. Tyner, (dead and dumb) also appearing and being sworn; said George W. Tyner, being sworn and examined by Com'r Breckinridge testified as follows:

Q. Give your full name. A George W. Tyner.
Q How old are you? A 50.
Q What is your post-office? A Austin I. T.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to apply for? A For my daughter-in-law's child, she wants to make application for her child.
Q Does she want to apply for herself? A No sir.
Q She is a white woman? A Yes sir
Q She is married to a Cherokee husband? A Yes sir
Q Is she living with her husband? A No, they have separated.
Q But she has a child by that husband? A Yessir.
Q And she wants to apply now for that child? A Yes sir.
Q She is deaf and dumb? A Yes sir.
Q And this is your daughter-in-law sitting here? A Yes sir
Q Did she marry your son? A Yes sir
Q What is her name? A Siota Catherine Tyner.
Q That is the name of this woman? A Yes sir
Q When did she marry your son? A Here is the license. (Produces papers)

Com'r: The applicant presents license issued by the Clerk of the United States Court for the Northern District of the Indian Territory, December 27th 1897, authorizing marriage between Clinton A. Tyner and Miss Siota Elder; the certificate shows that they were united in marriage on the 2nd day of January 1898, by the Rev. Nathan E. Bragg; this is filed herewith.

Q Was this woman ever married until she married your son? A No sir

Q Was your son ever married prior to his marriage to this woman?
A No sir.
Q Is your son living now? A Yes sir
Q How old is he? A He is 20 years old
Q He is too young to be on the 1880 roll? A He will be 21 next month.
Q He is a Cherokee? A Yes sir.
Q Has he lived in the Cherokee Nation all his life? A Yes sir, only since last February, he went to Wyoming.
Q Has the applicant here a divorce from him? A No sir.
Q How long did they live together? A They lived together I don't think quite a year.
Q What is the name of the mother of your son? A Mollie Tyner.
Q Is she alive? A No sir, she is dead.
Q When did she die? A She died in 1896
Q She was your wife in 1880? A Yes sir
1880 roll page 191 #3084 Clinton Tyner, Coowescoowee District; Note on roll: Added by Revising Committee.
1896 roll page 271 #4836 Clinton Tyner, Coowescoowee, native Cher.
1880 roll for husband's mother, page 189 #2979 Mallary Tyner Coowescoowee District.
Q What is this child's mother's age. A 23.
Q What is her post-office address? A Austin.
Q Give me the name of the child? A Clinton Edwin Tyner
Q And it was born 11th of March 1899? A Yes sir. My son had to marry her.

Com'r Breckinridge: The applicant applies for the enrollment of a grand-child; the mother of this child is present, but she is deaf and dumb and the applicant is permitted to make the application

Geo W. Tyner for child 2

instead of the mother; it is shown that this child's mother and the applicant's son were marri d on January 2nd, 1898, the license and certificate are filed herewith; the father of this child is identified on the rolls of 1880 and 1896; he is stated to have lived in the Cherokee Nation all his life until within the present year he has gone to Wyoming; he is identified on the roll of 1880 as ~~an adopted~~ having been added by the Revising Committee, without no statement of his nativity, but his mother is identified on that roll as a native Cherokee, hence there is no question of this child's alleged father being a Cher kee by blood; and the applicant states that neith r his son , the alleged father of this child, nor the child's mother were ever m rried except under the license and certificate now produced, that is to say that neither of them ever contracted any other marriage or were married ~~xxxxxxxx~~ to any other person; now it is shown that the child was born in March 1898 some 2 months after the marriage ceremony was performed; this of course involves the question of the legitimacy of the child; the applicant states that his son was compelled to marry the mother of this child; for the furth r consideration of this case this application will now be placed upon a doubtful card and will be taken under advisement; the mother is required to file a certificate of the birth of the child; final decision will be made kn wn to the mother at her post-office address.

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

M D Green

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

C Wheeler

Commissioner.

"R"

D 370

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Clinton E. Tyner, for the enrollment of himself as a citizen of the Cherokee Nation:

Applicant's grandfather was notified by registered letter February 12, 1902, that the application of Clinton E. Tyner for enrollment as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that on said day he could appear before the Commission, either in person or by attorney, and an opportunity would be given him to introduce any further testimony affecting said application.

The said George W. Tyner has this day, to-wit: the 1st day of March, 1902, been called three times and failing to respond either in person or by attorney, it is directed that the case of Clinton E. Tyner be closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

COMMISSION TO THE ...

FILED

DEC 11 1902

Acting Chairman.

Cherokee D-570.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 9, 1902.

In the matter of the application of Clinton E. Tyner for the enrollment of himself as a citizen by blood of the Cherokee Nation.

George W. Tyner, being sworn and examined by the Commission, testified as follows:

Q What is your name? A George W. Tyner.
Q How old are you? A Fifty-two years old.
Q What is your postoffice address? A Ramona, Indian Territory.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Recognized as such? A Yes sir.
Q By blood? A Yes sir.
Q You originally made application for a grandson, Clinton E. Tyner, did you? A Yes sir.
Q Who is the father of Clinton E. Tyner? A His name is Clinton A. Tyner, my oldest son.
Q He is a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Who is the mother of Clinton E. Tyner? A Her maiden name was Sciota Elder.
Q Was she a white woman or Cherokee? A She was a white woman.
Q Was your son regularly married her? A Yes sir, he was lawfully married to her.
Q You were not present at the wedding? A Yes sir, I was.
Q You were present and saw them married? A Yessir, they were married at my house and I saw them.
Q Is your son living now? A Yes sir.
Q Is his wife, the mother of this child living? A Yes sir.
Q Are they living together? A No sir, they separated.
Q How long have they been separated? A Why I think about four years, as well as I remember.
Q Do you remember what year they were married in? A I think in '87. The Commission has the marriage certificate and all.
Q How long has your son, the father of this child, lived in the Indian Territory? A He was born and raised here.
Q Lived in the territory all his life? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Did his wife live with him in the Cherokee Nation with him until they separated? A Yes sir.
Q When they separated who took the child? A She took the child; she made her home at our house.
Q Where is she living now? A He is living at Chelsea.
Q Where is his wife living? A She is in Independence, Kansas; she went up there last week.
Q Where has she been living since that separation? A At my house.
Q And this child has been at your house ever since that separation? A Yes, in the immediate neighborhood. She lived with her relations; she makes her home at our house; she is a deaf and dumb woman.
Q She is deaf and dumb? A Yes sir.
Q This child has lived in the Cherokee Nation ever since it was born until the present time? A Yes sir.
Q Never lived out? A No sir.
Q It always lived here? A Yes sir.
Q Your son recognizes that as his child? A Yes sir.
Q His mother is not recognized as an intermarried citizen? A No sir, she never made application for citizenship.
Q The child gets its Cherokee blood through your son, its father? A Yes sir, through my son.

[redacted]

[redacted]

[redacted]

[redacted]

Cherokee D-570.

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

In the matter of the application for the enrollment of Clinton E. Tyner as a citizen by blood of the Cherokee Nation.
-- -- -- -- -- -- -- --

## DECISION.

--:o:--

The record in this case shows that on October 11, 1900, George W. Tyner appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment of his grandchild, Clinton E. Tyner, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on December 9, 1902.

The evidence shows that Clinton E. Tyner is the child of Sieta Catherine Tyner, a white woman, by her husband, Clinton A. Tyner, a citizen by blood of the Cherokee Nation, duly identified on the Authenticated Tribal Roll of 1880. The said Clinton E. Tyner is identified by a birth affidavit made a part of this record.

The evidence further shows that the said Clinton E. Tyner was born in 1898; that he lived with his parents in the Cherokee Nation until their separation; and has, since that time, been living in the Cherokee Nation with his mother.

It is, therefore, the opinion of this Commission that Clinton E. Tyner should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman.

(SIG.) T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this MAY [illegible]

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEELEY,
C. R. BREECHINRIDGE,
W. F. STANLEY.

ALFRED A. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

CITE THIS IN REPLY TO THE FOLLOWING

Cherokee D-570

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1903, granting the application of George W. Tyner for the enrollment of his grandchild, Clinton E. Tyner, as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. M-720

IN THE MATTER OF THE APPLICATION OF

Clinton E. Tyner

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/11/00
B Mins. of Application of 10/11/00.
C Marriage license and certificate
D Birth certificate Clinton E. Tyner
E Notice of final consideration 3/11/02

IN THE MATTER OF THE APPLICATION OF

Clinton E. Tyner

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 20 1902

mother [illegible] the Cherokee — Father was compelled to marry mother, & lived with her a year & quit — This child born two months preceding Parents married Jan 2, 1898 This child born March 1898 Legal position — [illegible]

Cher D 571

Applicant is a Delaware.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct. 11, 1900.

In the matter of the application of Lucy D. Lewis for the enrollment of herself and husband, Tom Lewis, as Cherokee citizens, she being of Delaware blood; being sworn and examined by Com'r Brookbridge she testified as follows, through interpreter, J. B. Parker:

Q Get her name? A Lucy D. Lewis.
Q How old are you? A 46.
Q What is your post-office? A Chelsea.
Q What district do you live in, Cooweescoowee? A Yes sir.
Q Who do you want to have enrolled, just yourself? A Her and the old man, she says.
Q That's it? A Yes sir.
Q Are you a Delaware? A Yes sir.
Q Full-blood? A Yes sir.
Q Your husband full-blood Delaware? A No he is not a Delaware.
Q What is he? A Munsey Indian.
Q How long have you lived in the Cherokee Nation, 32 years?
A Yes sir.
Q What was your name in 1880? A Lucy Delaware.
Q What is your husband's name now? A Tom Lewis.
Q How old is he? A 56.
Q When did you marry him? A 20 years ago.
Q Have you got there an license and certificate? A She says they have it, but didn't bring it.
Q Were you ever married before? A Yes sir, she married John Delaware.
Q How many times were you married before you married this husband? A Twice. Other.
Q Were both of your husbands dead when you married him? A No, this is the second one, she says the other one is dead.
Q She has never been married but twice then? A No sir.
Q Was your other husband dead before you married this husband? A Yes sir.
Q Was he ever married before he married you? A Not that she knows of.

THOMAS LEWIS being sworn and examined by Com'r Brookbridge testified as follows:

Q Give your name? A Thomas Lewis.
Q Are you the husband of this applicant here? A Yes sir, she is my wife.
Q Were you ever married before you married her? A No.

APPLICANT RE-CALLED:

Q Were you called Louisa? A Yes sir.
1880 roll page 14 #665 as Eliza Delaware Cooweescoowee, Note: Added by the Rolls Committee.
1896 roll page 376 #605 as Eliza J. Lewis, Cooweescoowee District,
1899 roll page 376 #604 Tom Lewis Cooweescoowee District.
Q Has your husband lived in the Cherokee nation ever since he married you 20 years ago? A Yes sir.
Q You and he have lived together all the time? A Yes sir.

Com'r Brookbridge: The applicant applies for the enrollment of herself and husband, she is identified on the rolls of 1880 and 1896 as a Delaware; she has been in the Cherokee Nation for 32 years; she is a full-blood and will be listed now for enrollment as an adopted Delaware.

Her husband is said to be a Munsey Indian, and it appears that he possesses only the rights of a foreigner and the applicant is

made for him as a citizen by adoption. He appears in the testimony course of the examination; it is stated that they were married nearly 20 years ago, but that they have left their license and certificate at home; he is identified with his wife on the roll of 1896; who states that they have lived together and in the Cherokee Nation ever since their marriage; the application for his enrollment will be placed upon a doubtful card, to await the production of a Cherokee license and certificate; the applicant states that her first husband was dead before this husband married her, and he states that he was never married except to this wife.

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 13th day of October 1900.

C H Breeden

Commissioner.

[illegible]

"R"

Cherokee D 571.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Thomas Lewis for enrollment as a Cherokee citizen;

Appearances:

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

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that his application to be enrolled as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory on the first day of March,1902; the applicant this day appears in person.

THOMAS LEWIS being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A Thomas Lewis.
Q How oldare you Mr. Lewis? A 57 years old.
Q What is your post-office address? A Chelsea.
Q Are you able to supply the Commission with the evidence of your marriage to your wife? A I have got the certificate.
Q Have youit with you? A (Produces papers.)

BY COMMISSION: Applicant presents certificate certifying that he was married on the 6th day of September,1880, by William Adams; and same is filed herewith.

Q Did you ever get a license from the authoritiesof the Cherokee Nation when you married your wife? A No sir, I didn't get no license from the Cherokee Nation.
Q You simply married under this certificate? A They didn't issue any license to Indians them days.
Q Is there any statement you desire to make relative to your enrollment? A No sir, I have got no statement; I want to come in under that certificate under the Cherokee law, although I never received anything from the Cherokees as yet.
Q Do you submit the case to the Commission for final consideration? A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final consideration basedupon the evidence now of record.

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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 transcrit of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this March 3,1902.

Commissioner.

Cher
Supp'l to R 971

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of THOMAS LEWIS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

THOMAS LEWIS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A. Thomas Lewis.
Q What is your post office address ? A Chelsea.
Q How old are you ? A I am fifty seven.
Q Are you the same Thomas Lewis that applied for enrollment in October, 1900 ? A Yes sir.
Q Are you a white man ? A No sir.
Q What are you ? A Indian.
Q What kind of an Indian ? A Nunnay.
Q What is the name of your wife ? A Lucy D. Lewis.
Q Is she living now ? A Yes sir.
Q Is she a Cherokee ? A No sir she's a Delaware.
Q She's a Cherokee citizen or Delaware blood, is that what you mean ? A Yes sir.
Q When were you married to your wife Lucy ? A In 1880.
Q Have you got your marriage certificate ?
A I did, but I give it to the other Commission.
Q What Commissionhas got it ? A Cherokee.
Q That is the Dawes Commission ? A Yes sir.
Q When did you give it to them ?
A This last enrollment here, I was here.
Q Had you ever been married x before you were married to your wife Lucy ? A No sir.
Q She is your first wife ? A Yes sir.
Q Had she ever been married before she married you ? A Yes sir.
Q How many times had she been married before ? A Once.
Q What was the name of her first husband ? A John Delaware.
Q Was he living or dead when you married her ?
A He was dead.
Q He was dead before you married her ? A Yes sir.
Q Now have you and your wife Lucy lived together all the time since you were married up to the present time ? A Yes sir.
Q You and she were never separated ? A No sir.
Q Never had any falling out ? A No sir.
Q You were living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since 1880 up to the present time ? A Yes sir.

---

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

E C Bagwell

Subscribed and sworn to before me this November 25, 1902.

B O Jones
Notary Public.

C.F.R.

Cherokee D 571

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of Thomas Lewis as a citizen of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Bartlesville, Indian Territory, October 11, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Thomas Lewis as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1 and October 21, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Thomas Lewis, is a Munsey Indian, and it does not appear from either the evidence in this case, or from an examination of the records in the possession of this office that said Thomas Lewis was ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes acting under authority of the Act of Congress approved June 10, 1896 (29 Stat. 321), or by the United States Court in Indian Territory, on appeal therefrom. The evidence further shows that said Thomas Lewis is married to one Lucy D. Lewis, formerly Delaware, a duly recognized citizen of the Cherokee Nation, and it is considered that he possesses no right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of said marriage. It is further shown that said Lucy D. Lewis, who is identified on the Delaware Register at No. 706 as Muck-kee-nah-tah-ace, and on the approved roll of citizens of the Cherokee Nation of Delaware blood opposite No. 105, was a member of the Delaware tribe of Indians, and acquired her right to enrollment as a citizen of the Cherokee Nation by virtue of her compliance with the provisions of the agreement between the Cherokees and Delaware Indians of April 8, 1867. It is further shown that said marriage did not occur until September 6, 1880. Said applicant did not, therefore, marry in accordance with Cherokee law, a citizen by blood of the Cherokee Nation prior to November 1, 1875. The said Thomas Lewis can not be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Thomas Lewis, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,

this _____

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 571

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

Muskogee, Indian Territory, February 6, 1907

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

There is enclosed to you herewith a copy of the decision of the Commissioner to the Five Civilized Tribes rejecting the application of Thomas Lewis for enrollment as a citizen by intermarriage of the Cherokee Nation. The decision, together with the record of proceedings had in the case, has been this day forwarded to the Secretary of the Interior for review.

You will be notified of the action of the Secretary when this office is informed of the same.

Respectfully,

Commissioner

Encl. B-91

( COPY )

DEPARTMENT OF THE INTERIOR,

Land.
13136-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 23, 1907.

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 February 6, 1907, enclosing the record in the matter of the application for the enrollment of Thomas Lewis as a citizen of the Cherokee Nation together with his decision of the same date, rejecting the application; also referring to Departmental letter of January 31, 1907, (I.T.D.1363-1907), and returning the letter of the applicant and Hon. Charles Curtis.

The record in this case shows that application was made to the Commission to the Five Civilized Tribes for the enrollment of the applicant as a citizen of the Cherokee Nation on October 11, 1900. The evidence shows that Thomas Lewis is a Munsey Indian, but it does not appear that he was ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of that Nation, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory, on appeal. It is shown that he was married to Lucy D. Lewis, a duly recognized citizen of the Cherokee Nation of Delaware blood. Her name appears on the Dela-

ware Register at No. 708 as Muck-kee-nah-tah-ace, and on the approved roll of citizens of the Cherokee Nation of Delaware blood opposite No. 105, and acquired her right to enrollment as a citizen of the Cherokee Nation by reason of her compliance with the provisions of the agreement between the Cherokee and Delaware Indians of April 8, 1867. The marriage took place September 6, 1880. The name of Thomas Lewis does not appear on the authenticated roll of 1880. If he has any right to enrollment at all it is as an intermarried citizen, and since he did not marry a Cherokee by blood prior to November 1, 1875, it does not appear that he has any right to be enrolled as an intermarried citizen in view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al. vs. the United States.

It is recommended that the dedision of the Commissioner denying the application be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE

D.C. 12416-1907

LRS J.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 5294,5306,5308,5314-07
5318,5382, "
5388,5390,5416,5420- "
5436,5438,5444,5454- "
5456,5458,5472,5480- "
5482,5492,5510,5522- "
5528,5532,5540,5066- "

March 1, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

| Title of case. | Date of your letter of transmittal. |
|---|---|
| Malinda A. Stingle et al. | December 29, 1906 |
| James M. Wilkerson et al. | January 7, 1907 |
| Joseph H. Swadley et al. | January 4, 1907 |
| Mary J. Rogers (intermarried) | February 8, 1907 |
| George W. Garrison et al. | October 19, 1906 |
| Willis T. Richards (intermarried) | February 2, 1907 |
| Viranda Franklin (intermarried) | February 2, 1907 |
| Harriett Hubbard (intermarried) | February 2, 1907 |
| Clara Rose and Coleman L. Abbott | January 25, 1907 |
| Nancy Ward Chandler | January 17, 1907 |
| Nancy J. Hail (intermarried) | January 30, 1907 |
| Thomas York (intermarried) | January 30, 1907 |
| Ann Jones (intermarried) | January 30, 1907 |
| Bertha May Horton | February 9, 1907 |

| Title of case. | Date of your letter of transmittal. |
|---|---|
| Claud Casey et al. | February 12, 1907 |
| Gilbert H. Loflin | February 1, 1907 |
| Sarah Jane Reeder | February 12, 1907 |
| George Williams | February 12, 1907 |
| Mary M. Palmour (intermarried) | February 5, 1907 |
| Rebecca J. and Anna Caroline Powell | February 12, 1907 |
| Joseph C. Cooper | December 31, 1908 |
| William Oscar Yeates et al. | December 29, 1906 |
| Howard Raymond Moats (freedman) | February 11, 1907 |
| Albert and Geldie Biemroth | February 11, 1907 |
| Thomas Lewis | February 6, 1907 |
| David Henry Lewis | February 1, 1907 |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

26 inclosures

56 inc. to Ind. Of.

AFMc
3-1-07

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-571

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

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, rejecting the application for your enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-40
JMH

D 571

IN THE MATTER OF THE APPLICATION OF

Thomas Lewis

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 20 1902

IN THE MATTER OF THE APPLICATION OF

Thomas Lewis

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/11/0

B Memo of Application of 10/1

C Notice of Final Consideration, 3/1/0

D Marriage cert

E Supplemental testimony and order Closing testimony, March 1, 1902

Guy Delaney Jackson

OCT 25 1907

Cher D 572

D 572

~~Doubtful~~ Straight as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct. 11, 1900.

In the matter of the application of Andrew Reed for the enrollment of himself, wife and five children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows,

Q What is your name? A Andrew Reed.
Q How old are you? A 42 or 3.
Q What is your post-office. A Bartlesville.
Q In what district do you live. A Tom Cobb.
Q Who is it you want to have put on the roll? A Myself and family.
Q Got a wife? A Yes sir.
Q How many children? A 5
Q What are you? A Cherokee.
Q What is your wife? A White woman.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q What is the name of your father? A Johnson Reed.
Q Is he dead or live? A Dead.
Q What is the name of your mother. A Malinda Reed.
Q Is she dead or alive? A Dead.
Q What is your wife's name? A Susan Louisa.
Q How old is she? A 32
Q When did you marry her? A 1887.
Q Have you lived with her ever since you married her? A Yes sir
Q Give me the names of your children? A I have got a book here you can get the full names of them. (Hands Com'r book)
Q Linna I. 10 years old? A Yes sir.
Q Then you have got Nancy Ann, that's the next one? A Yes sir.
Q She is 3 years old? A Yes sir.
Q Then you have got P.L.A. Reed, that the next one? A Yes sir.
Q What do you call him? A Philetus Lee Andrew is his name.
Q How old is he? A Six years old.
Ala Nay that is the next one? A Yes sir.
Q She is four years old? A Yes sir.
Q And then they have Alice Luvena, that is the next one. A Yes sir.
Q What do you call her? A Venus.
Com'r: We will put her down Alice L. V.
Q She is two years old? A Yes sir, she is two in June her.
Q All these children are living now? A Yes sir.
1880 roll page 165 #2429 Andy Reed Cooweescoowee District a Cherokee;
1894 roll page 243 #4071 Andy Reed Cooweescoowee District;
1896 roll page 322 #873 Susie Reed "
1896 roll page 243 #4072 as Lena Reed "
1896 roll page 243 #4073 Nancy A. Reed "
1896 roll page 243 #4074 Philetus Reed "
1896 roll page 243 #4075 as Ala Reed "
Q Were you ever married before you married this wife. A Yes sir
Q Was your other wife dead before you married her. A No.
Q Is she now alive? A I don't know.
Q Did you get a divorce from her? A I don't know-she was married to another man long before I was married.
Q Was your wife ever married except to you? A No sir.
Q What was the name of your former wife? A Emeline.
Q What was her name when you married here. A She had been married before that, I don't know what her name she did go by, she had been married two or three times, but her maiden name was Polone.
Q When did you marry her? A 1876 I believe.
Q When did you separate from her? A About 1880.
Q You apply for a divorce did you? A Yes.
Q And you have no copy of the decree of divorce? A No sir.
Q Is she still alive? A I couldn't tell you.
Q When was the last time you knew of her being alive? A 5 or

six years ago I believe.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and five children; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he states that he has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood.

He states that he married his ~~xxxxx~~ present wife in 1897, she is identified with him and with her children on the roll of 1897; he states that they have lived together ever since their marriage; she is a white woman; the applicant states that he was married previous to his marriage to his present wife, and he is unable to produce at this time a copy of the decree of divorce, and he further states that his former wife was living at the time he married his present wife; at present the application for her enrollment will be placed upon a doubtful card to await evidence of his having been divorced from his former wife.

Of the five children named in the testimony, the first 4 are identified on the roll of 1896; with their parents; they are all living at this time, but as their right to enrollment depends upon the proper establishment of the present marriage the application for their enrollment will be placed upon a doubtful card to await evidence of divorce from the applicant's ~~xxx~~ former wife; When a certificate is presented to the Commission of the birth of the child Alice L. V., the youngest child, the application for this child's enrollment will also be placed upon a doubtful card, under the same circumstances as the former.

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 12th day of October 1900.

C A Bierce

Commissioner.

[illegible]

Exp. list -
D-572

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., November 18, 1896.

In the matter of the application of George W. Green for the enrollment of himself and wife as Cherokee citizens, he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give us your full name. A George W. Green.
Q How old are you? A 56.
Q What is your postoffice? A Vera.
Q You live in Cooweescoowee district? A Yes.
Q Who is it you want to enroll; yourself and family? A Myself and wife.
Q Are you a Cherokee by blood? A No sir, I am a White man.
Q What is your wife, a Cherokee by blood? A Yes sir.
Q Let me see your marriage license and certificate.
Q You haven't got a copy of your license? A No sir. It was destroyed and overlooked in changing the Clerk.
Q When were you married? A I don't remember.
Q Were you married in '86 or '88; up at what was you married?
A About twenty years.
Q This is a note signed that the preacher saying he married you in July, 1885, fifteen years ago; you think you were married about twenty years? A Somewhere between fifteen or twenty, I don't know which.
Q Where did you get your license? A Here at Claremore, John Bullette made them out.
Q In Cooweescoowee district? A Yes sir.
Q Were you ever married except to this wife? A Yes, I was married once before.
Q Was that wife dead when you married this wife? A Yes, been dead four years.
Q Was this wife ever married before she married you? A Yes.
Q How many times? A Once.
Q Was her husband dead when she married you? A Yes.
Q She never lived with but one man before she married you? A That's all.
Q What is your wife's full name now? A Emeline Green.
Q How old is she? A She is 56, same age I am.
Q What was her name when you married her? A Reed; her husband was Andy Reed.
Q Before it was Reed what was it? A Fulsom.
Q She was a Reed I suppose in 1880? A She was single about three or four years before I married her; two years before I married.
1880 roll; page 183, #1280, Emeline Reed, Cooweescoowee.
1880 roll; page 183, #1280, Emeline Green, Cooweescoowee.
1890 roll; page 206, #280, George Green, Cooweescoowee.

Witness, Emeline Green, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give us your full name. A Emeline Green.
Q You're the wife of George W. Green who is making application here?
A Yes sir.
Q You were married once before? A Yes sir.
Q Your first husband's name was Andy Reed? A Yes.
Q He was a Cherokee too he? A Yes.
Q What was the name of his father; Johnson Reed? A Yes.
Q His mother's name was Malinda was it? A Yes.
Q When did you get that husband of it living together? A Its been a good while.
Q About fifteen years? A Yes.
Q Did you ever get a divorce from him? A We never had a divorce.
Q Your husband, present a while ago, your present husband, that Andy Reed was dead? A Yes, we heard he was dead a long time; we have not seen him since 15 years ago.
Q When did you hear he was dead? A About lyears ago.

R- S.W..G.

Q You never heard he was dead until sometime after you were married? A He left me when I was sick.
Q When did you hear he was dead? A About 15 years ago.
Q How long after you were married you heard he was dead? A Seven years.
Q You had been married about seven years to this husband before you heard Andy Reed was dead? A Yes.

re-direct.

Q When did you first hear he was dead? A When we were married.
Q She said she heard it seven or eight years after you were married? A Well, I don't know I have such a poor memory.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself and wife. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. The applicant is identified with his wife on the roll of 1896. He states that he was married to her in accordance with Cherokee law, and that she was previously married, and he states that her former husband was dead when the present marriage was consummated. This is flatly contradicted by the testimony of the applicant's wife, and it is shown in the application of Andrew Reed, the former husband of the applicant's wife, for the enrollment of himself, his present wife, and five children, that the said Andy Reed is living and he has been enrolled, Card No. 4349, as a Cherokee by blood, while his present wife and said children were put on a doubtful card No. 373. It is not clear that the present applicant has not intended to give false testimony to the Commission, and the question of his prosecution and punishment therefore, will be taken under advisement. The applicant's wife states that no divorce was ever obtained between her and her former husband with whom she is enrolled in 1880. The application, therefore, for the enrollment of the applicant, himself, at this time is rejected, and it is ordered that a copy of this testimony be filed with Case D-673, as supplementary testimony relating to the proposed enrollment of Susan L. Reed and children, as it appears conclusive from the present testimony that Andrew Reed, the husband of Susan L. Reed, a white woman, not having been properly divorced from his former wife, is not lawfully married to the said Susan L. Reed, and therefore, that neither the said Susan L. Reed or her children, are entitled to enrollment at this time.

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

R. G. Rothenberger

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

Commissioner.

"R"

D 572

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Susan L. Reed, for the enrollment of herself and children as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that her application for the ~~xx~~ enrollment of herself and children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that she could on said day appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application.

She has this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

Cherk. D-572.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T., June 7, 1902.

In the matter of the application for the enrollment of Susan L. Reed et al. as Cherokee citizens.

By Commissioner Breckinridge: Andrew Reed, of Cherokee straight case No. 4549 appears and files a certificate of marriage between himself and Susan L. Lucas, on the 27th day of November, 1887, her case is Cherokee D-572, and it is directed that this certificate be filed with her case.

Andrew Reed, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name. A Andrew Reed.
Q You have already applied for enrollment before the Dawes Commission?n A Yes sir.
Q And you have now filed certificate of marriage between yourself and your wife? A Yes sir.
Q Were you ever married before you married this wife? A I lived with a woman before and that is what caused this trouble. I can't find anything to cause that.
Q You lived with a woman before you lived with this woman? A Yes sir.
Q What was her name? A Emeline Falling, when I got her, that was her man before.
Q You are a Cherokee by blood? A Yes sir.
Q Is that woman living now? A I couldn't tell you. George Keeler told me a week or two ago that she was dead; he was certain her man was dead for she married right away.
Q When did you last see her? A Down by Gallinsville.
Q How long ago? A About three years ago.
Q When did you and that woman take to living together? A '76.
Q And how long did you live together? A I believe until in '80.
Q Did you and she have any children by that marriage? A No sir.
Q None whatever? A No sir.
Q Was she ever married before she took up with you? A They claimed she had a man by the name of Falling.
Q Was she a white woman or Cherokee? A Cherokee.
Q A full blood? A Pretty near full blood.
Q Did you know Falling? A I knowed him when I seen him; I wasn't acquainted with him until after I got the woman.
Q Did you ever know him as the husband of that woman? A No sir, they had separated.
Q You understood that he had been her husband? A She told me so.
Q Did you ever have any other information? A She had said she lived with him.
Q It was a matter of common information that she and Falling had lived together as husband and wife? A Yes.
Q Did she have any children by Falling? A No sir.
Q Do you know how long they were said to have lived together? A No, I don't.
Q And she just left Falling and took up with you? A Yes.
Q How do you know whether she and Falling held each other out to the community as husband and wife? A No, I don't.
Q Well how did you do, did you hold each other out as husband and wife? A For the time we lived together I did.
Q You considered that you lived together as husband and wife in a Cherokee way is that so? A Yes sir.
Q When you and this woman parted did either of you get a divorce? A No sir.
Q You just parted and had nothing more to say about it? A Yes.
Q How long after you parted before you married your present wife, about four or five years? A Between five and six years.

In Susan L. Reed et al.

Q You have a lot of children by your present wife? A Yes sir.
Q And she is a white woman? A Yes sir.
Q Do you never get any divorce from the Falling woman and she never got a divorce from Falling before she married you? A Not that I ever knowed of.
Q Was it customary with you therekees to just part company and marry again without getting a divorce in those days? A It seems a lot of them do that and there was never nothing said about it.
Q This present wife of yours what was her name when you married her? A Lenna.
Q Was that her maiden name? A Yes sir.
Q Was she never married before she married you? A No sir.
Q How old is she? A About 22 years old.
Q You were told she had never been married? A That is what they have all told me that she never was married.
Q She had no children? A No children.
Q How long had you known her before you married her? A About a year.
Q How long had she lived in the country do you know? A No, I don't.
Q About how old was she when you married her? A About 21 or '2,I don't remember now.
Q Do you know where she came from? A From Kansas down to the territory, about Sedan.
Q What didshe and her people do down here? A He was farming up there.
Q Was he farming down here? A Yes sir.
Q Renting land when you met her? A Yes sir.

This testimony will be filed with the testimony in the case of the applicant's wife.

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

E. L. Rothenberger

Subscribed and sworn to before me this 13th day of June, 1902, at Muskogee, I. T.

E. T. Lutter
Notary Public.

Cherokee D-572.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of Susan L. Reed for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed, as citizens by blood of the Cherokee Nation; Andrew Reed, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Andrew Reed.
Q How old are you? A I don't know exactly, about forty-five.
Q What is your postoffice? A Bartlesville.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q What is your wife's name? A Susan L. Reed.
Q How old is she? A About thirty-five past.
Q She is a white woman is she? A Yes sir.
Q When were you married to her? A In 1887.
Q Is she your first wife? A No sir, my first lawful wife.
Q Had you a wife named Emily? A That was the one I lived with.
Q Were you ever married to Emily? A No sir.
Q Never any marriage ceremony took place between you? A No sir.
Q You just took up with her-how long did you live with her? A Two or three years.
Q When did you commence living with her? A In '77 somewhere along there.
Q And lived with her a few years? A Yes sir.
Q Were you regarded as husband and wife at all? A We lived together and kept house together that length of time and then separated.
Q Did you regard yourself as her husband? A Why at times there I was gone and she was gone; we stayed at the same house.
Q Did you have any children by her? A No sir.
Q Did you regard yourself as husband and wife? A Yes, at times while we were there.
Q You did while you were living together? A Yes sir.
Q Was she a single woman when you took up with her? A Yes sir.
Q And you were a single man? A Yes sir.
Q But you say there was never any ceremony performed? A No sir.
Q When did you quit living with her? A I don't recollect now; it was along in the year of '80.
Q Has she married since she left you? A Yes sir.
Q She is married now is she? A No sir, her husband is dead.
Q Is that the only woman you ever lived with? A Yes sir.
Q Then you married your wife, Susan? A Yes sir.
Q Have you and Susan L. been living together ever since you were married? A Yes sir.
Q You never have been separated? A No sir.
Q She is the only wife you say you ever had? A Yes sir, she is the only one, I have the marriage certificate to show.
Q That has been filed has it? A Yes sir.
Q There never was any divorce between you and your former alleged wife? A No sir, we didn't need any; it wasn't according to law.
Q How many children have you by your wife, Susan? A Six.
Q Are they all living now? A Yes sir.
Q All living at home with you? A They were when I left Monday morning.
Q You and your wife are living together ever since you married her? A Yes sir.

[illegible]

[illegible]

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[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible]

Notary Public.

Cherokee D 372

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 11, 1900, Andrew Reed appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment of himself and his minor children, Linna I., Nancy A., Philetus L. A., Ala M. and Alice L. V. Reed, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Susan L. Reed, as a citizen by intermarriage of said Nation; that subsequent to the date of said application a birth affidavit as to his minor child, David A. Reed, was filed with the Commission and the same is made a part of the record herein. Andrew Reed, being differently classified, is not embraced in this decision; and as the status of persons claiming citizenship by intermarriage in the Cherokee Nation is not fixed at this time, the application for the enrollment of Susan L. Reed, as such, will not be passed upon or considered in this decision. Further proceedings in the matter of said application were had at Bartlesville, Indian Territory, on June 7, 1902, and at Muskogee, Indian Territory, October 15, 1902. A copy of the testimony taken at Claremore, Indian Territory, on November 13, 1900, in the matter of the application of George W. Green, et al. has been made a part of the record herein.

The evidence shows that all the applicants herein were born since 1880 and are the minor children of said Andrew Reed, who is identified as a native Cherokee on the 1880 authenticated Cherokee roll.

The evidence further shows that the applicants are identified on the 1896 Cherokee census roll as follows, Linna I. as Lena Reed; Nancy A. Reed; Philetus L. A. as Philetus Reed; and Ala M. as Ala Reed. The said Alice L. V. and David A. Reed are too young to appear on any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

It further appears that Andrew Reed, father of said applicants, has resided all his life in the Cherokee Nation; and it is considered that the residence of the said minor applicants has always been with their father in the Cherokee Nation.

-2-

It is, therefore, the opinion of this Commission that Linnie T. Reed, Henry L. Reed, Philetus L. A. Reed, Ale M. Reed, Alice L. [illegible] Reed and Harold A. Reed should be enrolled as citizens of Muscogee (Creek) Nation, in accordance with the provisions of special enrollment of the act of Congress, approved June 28, 1906 (34 Statu., 536), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
COMMISSIONER.

(SIGNED) T. B. Needles
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,
this SEP 18 1908

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COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D-572

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Andrew Reed for the enrollment of his minor children, Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. D-31

CHEROKEE 20572

Green L. Reed et al

OCT 25 1907

IN THE MATTER OF THE APPLICATION OF

Green L. Reed et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

FEB 20 1902

Mrs Geo Green Reed's former wife swears that she did not get a divorce from Reed hence there is no legal marriage in this case — Reed & Co

Cher D 573

B-

Department of the Interior.
Commission to the Five Civilized Tribes.
Bartlesville, I. T., October 13, 1900.

In the matter of the application of James Cornwell for the enrollment of himself and wife as Cherokee citizens; he being sworn by Commissioner Breckinridge, testified as follows: Examination by the Commission.

Q What is your name? A James Cornwell.
Q How old are you? A About 36.
Q What is your postoffice address? A Wann.
Q Are you making application for enrollment as a citizen of the Cherokee Nation by blood? A Yes sir.
Q How long have you resided in the Cherokee Nation? A About 36 years.
Q Born here? A Yes sir.
Q Lived here all your life? A Yes, sir.
Q Ever made your residence anywhere else? A No, sir.
Q Have you been outside of the Cherokee Nation within the past three years? A No, sir.
Q In what district do you belong? A Cooweescoowee.
Q How much Cherokee blood do you claim? A About 1/16 I guess.
Q Are you applying for anyone besides yourself? A My wife.
Q What is your wife's name? A Ella Cornwell.
Q What is your father's name? A Isaac B. Cornwell.
Q Is he living? A No sir.
Q Was he a Cherokee Indian? A No sir.
Q He's a white man? A Yes sir.
Q Was he enrolled as an adopted citizen of the Cherokee Nation?
A I think so.
Q How long has he been dead? A 26 years.
Q What is your mother's name? A Lynam, now.
Q What was her name in 1880? A Mary Cornwell.
Q She a citizen of the Cherokee Nation by blood? A Yes, sir.
Q What district in the Cherokee Nation did she belong? A She belonged at that time in Cooweescoowee.
Q Your wife's name is Ella Cornwell? A Yes sir.
Q What's your wife's age? A 36.
Q What was your wife's father's name? A Christian Wellbaum.
Q Is your wife's father living? A No sir, he's dead.
Q A white man? A Yes sir.
Q What is your wife's mother's name? A Betsy E. Wellbaum.
Q Is she a white woman? A Yes, sir.
Q Living? A Yes, sir, she's living.
Q Where did you marry her? A In Missouri.
Q When? A1895.
Q By whom were you married? A Perry Ralston.
Q Were you living in Missouri then? A No, I was up there.
Q How long was you up there? A About a month I guess.
Q What date in 1895 were you married? A November 5th.
Q Have you a marriage license and certificate? A Haven't got them here.
Q Where are they? A At home.
Q Have you any children? A No, sir.
Q Just making application for yourself and wife? A That's all.
1880 roll; page 341, #662, James Cornwell, Delaware Dist.
1896 roll; page 141, #1360, James Cornwell, Cooweescoowee.

By the Commission-
The applicant James Cornwell applies for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife Ella Cornwell as an intermarried citizen of the Cherokee Nation. The name of the applicant appears upon the

R. J. C.

1880 authenticated roll of the citizens of the Cherokee Nation as James Cornwell and upon the 1896 Census roll as James Cornwell, and having given sufficient testimony as to his continued residence within the Cherokee Nation, the time prescribed by law, will be listed for enrollment by this Commission as a citizen by blood of the Cherokee Nation.

The applicant testifies that he was married to his wife on November 2, 1895, but has not offered in evidence any marriage license or certificate showing said marriage; neither is the name of his wife found upon the 1896 Census roll of the Cherokee Nation as an intermarried white. The name of his wife will be placed upon a doubtful card, until sufficient evidence is produced of his marriage to her.

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

E. G. Rothenberger

Subscribed and sworn to before me this 13th day of October, 1900.

Commissioner.

SUPPLEMENTAL: D-978

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I.T., October 25, 1900.

In the matter of the application of Nila Cornwell for the enrollment of herself; being sworn and examined by Commissioner Needles she testified as follows:

Statement by Chas. Needles: Now comes the said Nila Cornwell and presents a marriage license and certificate certifying that one James Cornwell of Caney County State of Kansas, was married to Miss Nila Welbourn in the State of Missouri on the 5th day of November 1895; said marriage license and certificate being duly authenticated.

Q What is your name? A Nila Cornwell.
Q What is your age? A 36
Q What is your post-office address? A Wann
Q You present a marriage license and certificate certifying that you were married to one James Cornwell on the 5th day of November 1895; you were married in the State of Missouri? A Yes sir.
Q Have you been living with your husband since that time?
A Yes sir.
Q Living with him now? A Yes sir.
Q You were married then two on the 5th day of November 1895?
A Yes sir.
Q You have been married ever since? A Yes sir.

I, 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.

D. Green

Subscribed and sworn to before me this 25 day of October 1900.

C. Needles

Commissioner.

F. D-673.

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

In the matter of the application of Celia Kirkpatrick for the enrollment of herself and child as Cherokee Freedmen.

SUPPLEMENTAL TO D-673.

Applicants represented by Mellette & Smith and Lewis T. Brown, Vinita, I. T.
Cherokee Nation represented by J. S. Davenport.

C. W. Learned, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A C. W. Learned.
Q Where do you live, Mr. Learned? A Neosho Falls, Kansas.
Q How old are you? A 46.
Q How long have you been living at Neosho Falls? A Since '87.
Q Did you know a colored family there by the name of Daniels since the war? A Yes, sir.
Q Do you know what the man's name was? A Tom Daniels.
Q Did you ever know his wife's name? A Yes, sir.
Q What was her name? A Celia.
Q Where did they live when you got acquainted with them, Mr. Learned? A They lived about half a mile from the mill there on the Neosho River, used to work in the mill.
Q When did they move away from there, if at all, Mr. Learned, about when? A Daniels?
Q Yes, sir. A I don't think Daniels ever moved away from there, he died there; she came down here.
Q Well, when did she move away with reference to Daniels' death, if you know? A No, if she did I don't know it.
Q Do you know whether she is living now or not? A I don't know whether she is living now; I don't know whether she is or not; she isn't living up there.
Q When was the last time that you knew of Tom Daniels and his family living near or in Neosho Falls, about what year is what I want to know? A I don't recollect what year he died.
Q Well was it before or after the row that you have spoken of? A That was after that.
Q Was Celia living there at the time this row occurred? A Yes, sir.
Q How do you remember whether they had any children? A Yes, sir, they had some children.
Q Were they big enough for you to remember their names? A Yes, sir, I remember some of them.
Q What were their names? A One was named Fred and there was a boy, and they had Eva Daniels, a girl, and they had one or two more boys, but I don't recollect their names.
MR. MELLETTE: When did you first know these people you are talking about; that is, Daniels? A Why it was along about '88, along about that.
Q How old were you in '88? A 11 years old.
Q You can remember the date back that long can you? A Only as they were when them people was there.
Q You remember back thirty-five or forty years exactly when people were there together, do you? A I remember, yes, sir, those people at least come to Jim's place there and visited him.
Q When were you first talked to about being a witness in this case? A It must have been a month ago.
Q A month ago your attention was called to the time when you saw these people, and you remembered back that length of time when you was 11 years old; where were those people in '88? A Daniels?

Q Yes, sir. A Couldn't tell.
Q Where were they in '87? A I don't know.
Q Where were they in '88? A They were there.
Q What time in '88? A Why they were there in the spring or summer along about--
Q Well was it May or June? A I don't know which it was, May or June, somewhere along there.
Q You were 11 years old at that time and remember that it was May or June? A Somewhere along there.
Q You remember that that was sometime in May or June, do you?
A Yes, sir.
Q Did you pay much attention to the months when you was 11 years old? A No, I remember we used to fish.
Q Might have been in Summer than? A No, sir, - yes, it might have been.
Q Might have been in August, mightn't it? A Don't fish in August.
Q Swear you didn't fish in August, will you? A I don't know whether I would or not.
Q How old were you at that time? A 11 years old.
Q How long ago has that been? A You can count it up.
Q I'm not counting; I asked you?
COMMISSION: Can you answer the question, how long ago?
A 34 years.
COMMISSION: The following certificate is filed in the matter of the application of Jane Riley, Cherokee Freedman Case No. D-600:
"State of Kansas, }
Woodson County. }ss.
I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Hanks was continued from the October Term, 1888, to the April Term, 1889, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.
(SEAL) A. C. Woodruff, Clerk."

---

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 2nd day of May, 1902.

F. J. Kuhn
Notary Public.

Cherokee D-873.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of Ella Cornwell for enrollment as a citizen of the Cherokee Nation.

—o—

On the 18th day of October, 1900, James Cornwell appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation and for his wife, Ella, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time James Cornwell was listed for enrollment on a regular card and the name of his wife, Ella Cornwell, was placed upon a doubtful card awaiting proof of her marriage as alleged.

Further evidence has been submitted in that matter and the following decision is rendered:

D E C I S I O N.

From all the evidence of record in this case it appears that Ella Cornwell is a white woman; that she was married on the 5th day of November, 1895, to James Cornwell, a resident and citizen by blood of the Cherokee Nation, who is duly identified on the authenticated tribal roll of 1880. Ella Cornwell is not identified on the Cherokee census roll of 1896, but this fact is not considered material inasmuch as her status is fixed by intermarriage and not by tribal enrollment.

This Commission is directed in paragraph one, section twenty-one, of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Contest 2-472.

vs.

In view of the facts and the law in this case it is considered that this contest be dismissed as to be entitled as a citizen by intermarriage of the Choctaw Indian, and it is so ordered.

Commissioners.

Dated at Muskogee, Indian Territory,
JUN 9 - 1902

CHC 27 Cmo

(2)

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. ROBERTS
SECRETARY

ADDRESS ALL COMMUNICATIONS TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-873.

Muskogee, Indian Territory, June 9, 1902.

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

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Eliza Cornwell for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,

Tams Bixby

Acting Chairman.

Encl. D-873.

IN THE MATTER OF THE APPLICATION OF

Ella Cornwall

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 20 1902

[illegible]
[illegible]
[illegible]
[illegible]

Ella Cornwell

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A. Original testimony of 10/12/[illegible]

B. Memo. of application of 10/12/[illegible]

C. Supplementary testimony of 10/23/[illegible]

D. Copy of marriage license and certificate

[illegible]

[illegible]

[illegible]

Cher D 574

2 5 7 11

Department of the Interior.
Commission to the Five Civilized Tribes.
Bartlesville, I. T., October 13, 190[illegible].

In the matter of the application of Mary Lynam for the enrollment of herself and husband as Cherokee citizens; she being sworn by Commissioner Breckinridge, testified as follows: Examination by the Commission.

Q What is your name? A Mary Lynam.
Q How old are you? A I will be 70 years old.
Q What is your postoffice? A Wann.
Q You are making application for enrollment as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q How long have you resided in the Cherokee Nation? A About 70 years, I reckon.
Q Lived here all your life? A Yes, sir.
Q Never maintained a residence elsewhere? A No, sir.
Q Have you been outside of the Cherokee Nation in the past three years? A I don't remember: I have been to Coffeyville to trade.
Q Never made your residence elsewhere? A No.
Q To what district in the Cherokee Nation do you belong? A I have been in one and then another.
Q In what district are you enrolled? A Cooweescoowee.
Q What was your father's name? A Sam Ward.
Q Was he a white man or Cherokee? A He was a Cherokee.
Q He's dead? A Yes.
Q What was your mother's name? A Cyntria Ann Ward.
Q She was a Cherokee Indian? A Wh-to woman.
Q She's dead, of course? A Yes.
Q Are you making application for anyone besides yourself? A I don't know, my husband he's at home. I thought I would see if he is on the roll I reckon. ( Also applied for her husband)
Q What is your husband's name? A William M. Lynam.
Q How old is he? A 85 years old.
Q Is he a citizen of the Cherokee Nation? A No sir. He's a white man.
Q What is his father's name? A I don't know, I never seen him.
Q What was his mother's name? A I don't know.
Q Their name was Lynam? A Yes sir, I guess,so, I never seen them.
Q Your husband's mother was a white woman? A Yes.
Q When were you married to your husband? A I don't know, 18 or 19 years ago.
Q Where were you married to him? A Independence. And the first Vinita.
Q The first under United States law and subsequently under Cherokee law? A Yes.
Q Have you a marriage license and certificate? A No sir, he never got the license, he paid for them; they said that they would send them but we never got them.
Q Have you any children under 21 years and unmarried? A No sir.
Q Just making application for yourself and husband? A Yes, sir.
Q Your name in 1880 was Mary Cornwell? A Yes sir.
1880 roll; page 241, #601, Mary Cornwell, Delaware,(N.C)
1896 roll; page 200, #2670, Mary Lynam,(Cornwell) Cooweescoowee.
1900 roll; page 313, #597, William M. Lynam,

S- M.L.

By the Commission-

The applicant applies for the enrollment of herself and a citizen by blood of the Cherokee Nation, and for the enrollment of her husband, William H. Lynam, as an intermarried citizen of the Cherokee Nation. The name of the applicant appears upon the 1880 authenticated of the citizens of the Cherokee Nation as Mary Cornwall, and on the 1896 Census roll as Mary Lynam ( Cornwall ) she having given sufficient evidence as to her continued residence in the Cherokee Nation, the time prescribed by law, will be listed for enrollment by this Commission as a citizen by blood of the Cherokee Nation. The applicant testifies that she was married to her husband, William H. Lynam, 13 years ago, but does not offer in evidence a the marriage license and certificate of such marriage. The name of her husbat is identified upon the 1896 Census roll of the Cherokee Nation as an intermarried white . It will be necessary for the Commission to have the marriage license and certificate of the applicant and her husband in accordance with the laws of the Cherokee Nation for his enrollment as an intermarried citizen, and until such is exhibited and filed with the recordsof this Commission, the name of her husband will be placed upon a doubtful card.

E. G. Rothenberger, being first duly sworn, statest at as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 18th day of October, 1900.

Commissioner.

FUDG

DEPARTMENT [illegible]
COMMISSION TO THE RIVER [illegible]

FILED
MAR 12 1902

ACTING CHAIRMAN

Consent Decree.

"R"

Cherokee Freedmen D 574

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1908.

SUPPLEMENTAL TESTIMONY IN PART OF SIMMONS HARTON, in the matter of the application of Henry Smith et al for enrollment as Cherokee citizens.-Freedmen.

Appearances:
F. E. Dunscomb, Attorney for the Cherokee Nation.

[illegible]

Commissioner.

MDG

WRS

D 574

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of William H. Lyman, for the enrollment of himself as a citizen of the Cherokee Nation :

The applicant was notified by registered letter February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that on said day he could appear before the Commission either in person or by attorney, and an opportunity would be given him to introduce any further testimony affecting his application.

Receipt has been acknowledged of the Commission's letter; and the applicant this day, to-wit: the 1st day of March, 1902, has been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that an affidavit has been filed in this case, and they desire to protest against its filing or consideration.

The protest of the Cherokee Nation will be noted, and the affidavit will be considered for what it is worth.

---

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

E C Bagwell

Subscribed and sworn to before me this March 5, 1902.

M D Green
NP

Commissioner.

DEPARTMENT [illegible]

COMMISSION TO THE FIVE C[illegible]D TRIBES.

FILED

NOV 5 1902

[illegible]

ACTING CHAIRMAN.

Cher-D-574.

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

In the matter of the application of William Lynam (Lyman) for enrollment as a citizen by intermarriage of the Cherokee nation.

Mary Lynam, called as a witness, being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Mary Lynam.
Q How old are you? A 76 years old.
Q What is your postoffice address? A Coffeeville, or Wann.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you been living in the Cherokee nation? A Seventy two years. A
Q All your life? A Yes sir.
Q Your husband is William H. Lynam? A Yes sir.
Q Is he a white man? A Yes sir.
Q When were you married to him? A About 20 years ago we were married, but it isn't that long since were married according to Cherokee law.
Q When were you married according to Cherokee law? A It hasn't been more than about ten years; I can't say exactly. It is more than five years. I have grand sons in here; I can't remember anything any more.
Q Was W. H. Lynum your first husband? A No sir.
Q What was your first husband's name? A Isaac Cornwell.
Q Was he a white man? A Yes sir.
Q Is he dead? A Yes sir.
Q When did he die? A He has been dead ever since that boy was born.
Q When was that? A Thirty six years I believe.
Q He died long before you married your present husband? A Yes sir.
Q W. H. Lynam is your second husband, is he? A Yes sir.
Q Had your husband ever been married before he married you? A Yes sir.
Q How many times? A I don't know; I never saw him until he came to the nation.
Q When did he come to the nation? A Twenty odd years ago.
Q You say he had been married before he married you? A Yes sir.
Q Had he any living wife when he married you? A No sir.
Q Have you and your husband been living together ever since you were married? A Yes sir.
Q Never have been separated have you? A We was once a little while before we was married the second time.
Q You have never been separated since you married according to the Cherokee law? A No sir.
Q You are living together now? A Yes sir.
Q You have been living together in the Cherokee nation ever since you were married? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Who married you under Cherokee law? A William H. Drew., deputy clerk of Coowesacoowee district.
Q Is William H. Drew living? A Yes, he was; he lives at Vinita.
Q It will be necessary for you to bring Mr. Drew down here to testify that you were married. A Havn't you got his affidavit?
Q That wont do; affidavits are not accepted. Will you write to Drew to come to the Commission at Muskogee to testify that you and your husband were married according to Cherokee law.

--o--

Frances R. Lane upon oath states that as stenographer to the

3- Chr-D-[illegible]

Certification to the [illegible] civilian [illegible] correctly recorded the testimony in the above [illegible] and that the foregoing is an accurate transcript of [illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1946.

[illegible]
[illegible]

N. 57

IN THE MATTER OF THE APPLICATION OF

William H. Lyman

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

FEB 20 1902

[illegible] marriage license [illegible] certificate to be filed. [illegible]

CHEROKEE D 57

William H Lyman.

OCT 25 1907 [illegible] letter-
[illegible] R-1124

Cher D 575

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Bartlesville, I.T. October 18th, 1900

IN THE MATTER OF THE APPLICATION OF LIZZIE PEACOCK FOR THE ENROLLMENT OF HERSELF, HUSBAND AND CHILDREN AS CHEROKEE CITIZENS.

The said Lizzie Peacock, being duly sworn, was [illegible] the Commission and testified as follows:

Q What is your name? A Lizzie Peacock.

Q How old are you? A I don,t know hardly. It must be about forty, I guess.

Q What is your post office? A Bartlesville.

Q What district do you live in? A I live down here below. I don,t know what district.

Q Are you living in Cooweescoowee District? A Yes, sir.

Q How long have you lived there? A Why, it must be a long time, it mustbe since we have moved in the Nation.

Q How long have you been in the nation? A About thirty-two years, I think.

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

Q Have you been outside of the Cherokee Nation within the past three years? A No.

Q Do you apply as a Cherokee by blood, a Shawnee or a Delaware.

Q What is your father,s name? A Wyley Halfmoon.

Q Is he living? A No.

Q Is he a Delaware? A Yes, sir.

Q What district did he belong to? A Cooweescoowee.

Q What is your mother,s name? A Mary Simon; it was Mary Halfmoon. when my father died, but she married again.

Q Was she a Delaware? A Yes, sir.

Q How long has your father been dead? A I was little, I guess. I don,t know how long.

Q How long has your mother been dead? A My pa has been died about twenty years ago.

Q For whom do you apply? Who do you want to enroll? A I just want to enroll myself and my children here too.

Q How many children? A Just two.

Q What is the name of the eldest one? A Lawrence Peacock.

Q How old is Lawrence? A He was nine years old the second of last July.

Q What is the name of the other child? A She will be three years old the next Christmas, I think; her name is Rosa.

Q Now, are they all the children you want to apply for? A That is all I have got living.

Q These childrenare both living with you are they? A Yes, sir.

Q They have always lived with you? A Yes, sir.

Q And never lived outside of the Cherokee Nation? A No, sir.

Q What was your name in 1880? A Lizzie Halfmoon.

1880 Roll, page 124, No. 1238, Eliza Halfmoon, Cooweescoowee District. Adopted Delaware.

189[illegible] Roll, page 380, No. 511, Lizzie Peacock, Cooweescoowee District.

Q Who is the father of these children A James Peacock.
Q Is he living or dead? A He is living at home.
Q Is he a Cherokee? A No, he is a Wyandette.
Q Do you wish to make application for the enrollment of your husband? A Yes, sir.
Q How old is your husband? A He musthe about forty-five; that is what he claims.
Q Has your husband ever been recognized by the tribal authorities of the Cherokee Nation? Has he been upon any of the Cherokee Nation rolls? A I don,t think he has; I don,t know.
Q When were you married to him? A We have been married ten years now.
Q Where were you married? A Was married right up here.
Q In this district? A Yes, sir.
Q Under what law were you married? A Was married by this here preacher Adams.
Q Have you any evidence of your marriage to Thomas Peacock? A No, preacher Adams married us.
Q You were married by a minister of the gospel, were you? A Yes, sir.
Q Is there any body here who was present at the time of the marriage, or who knows you have been living with your husband as his wife? A There is a woman, but they are not here, Susie Halfmoon.
Q How long has your husband been in the Cherokee Nation? A I don,t know. He was here before I married him, about one year and a half I think.
Q Had he ever been married beforehe married you? A No.
Q Did your husband ever live in Tahlequah district? Where did you live four years ago? A No; he was in Tahlequah; he was in jail at Tahlequah for a while then.
1896 Roll, page 1296, No. 24, James Peacock, Tahlequah District. Prison List.
1896 Roll, page 380, No. 512, Larence Peacock, Cooweescoowee District.
Ask her whether Florence Halfmoon is living. A THE INTERPRETER: No, she is dead.

The applicant, Lizzie Peacock, applies for the enrollment of herself and her two minor children, and her husband. She has been identified on the authenticated roll of 1880 and the census roll of 1896, according to the page and number of the roll as indicated in the testimony. She has given satisfactory proof as to her residence in the Cherokee Nation, and will be listed for enrollment as a Cherokee citizen of Delaware blood. Her oldest child, Lawrence Peacock is identified on the census roll of 1896 as a native Delaware; he will be listed for enrollment as a citizen of the Cherokee Nation of Delaware blood.
When she presents the Commission with a properly executed affidavit as to the birth of her youngest child, Rosa, she alsowill be listed for enrollment as a Cherokee citizen of Delaware blood.
She avers that she was married to her husband in 1890, who appears upon the census roll of 1896 as a Wyandette Indian. She states that they were married by a minister of the gospel, but produces no evidence as to that fact. He will be placed upon a white card for the further consideration of the Commission.

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The undersigned, being sworn, states that as stenographer to

[illegible]

[illegible]

A. D. [illegible]

[illegible]

"E"

D 573

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of James Peacock, for the enrollment of himself as a citizen of the Cherokee Nation:

Applicant was notified by registered letter February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902; and that on said day he could appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application.

He has this day, to-wit: the 1st day of March, 1902, been called three times, and fails to respond either in person or by attorney, and it is directed by that the case be closed and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

Cherokee D-575.

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

---o---

In the matter of the application for the enrollment of James Peacock as a citizen of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 12, 1900, Lizzie Peacock appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment, among others, of James Peacock as a citizen of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that James Peacock was lawfully married, on October 14, 1890, to Lizzie Halfmoon, a citizen of the Cherokee Nation of Delaware blood, who is identified on the Cherokee authenticated tribal roll of 1880 as Eliza Halfmoon, and also on the Cherokee census roll of 1896. The said James Peacock is identified on the Cherokee census roll of 1896.

The evidence further shows that the said James Peacock is a Wyandotte Indian by blood, and that he was a member of the Wyandotte Indians in the Indian Territory at the date of his marriage to his wife, Lizzie. Section 670, Compiled Laws of the Cherokee Nation (1892), provides:

"Whereas, quite a number of our own citizens have intermarried with Indians, members of other tribes of this Territory, and it has always been the custom of the Cherokee people to recognize such marriages as lawful until the taking of the last census, when their rights as citizens were called in question; therefore, any Indian, a member of any of the tribes of this Territory, who has married, or shall hereafter marry a Cherokee, a citizen of this Nation at the time of such marriage, in accordance with the law regulating marriages between citizens thereof, shall be, and is hereby, deemed a Cherokee to all intents and purposes, and entitled to the rights of other Cherokees."

The evidence also shows that the said James Peacock has lived with his wife continuously in the Cherokee Nation since his marriage to her, on October 14, 1890, and that he was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that James Peacock should be enrolled as a citizen of the Cherokee Nation under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), with all the rights of a native Cherokee, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 19th 1902.

In the matter of the application of James Peacock for enrollment as a citizen of the Cherokee Nation.

Cherokee D 575.

Motion to re open case.

Comes now the Cherokee Nation and moves the Commission to reopen the case of James Peacock and set asite its judgment heretofore rendered in order that the Cherokee Nation be permitted to introduse a certificate from the United States Indian Agent, Quawpaw Agency, Indian Territory to prove that the said James Peacock received an allotment of land in said Agency . A letter from said Agency contains the following information:

"Quawpaw Agency I. T. etc

Mr. J. C. Starr,
Muskogee I. T.

Sir:

In reply to your several letters of inquiry of recent date concerning certain parties, I have to state the following:************************* James Peacock, a Wyandotte, adopted by the Senecas , received an allotment with the Seneca tribe in this agency *********

(Signed) " B. N. O. Walker, Clerk in Charge."

This motion is not made for the puppeses of delay but that justice might be done.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D.

C. D. 575

United States Indian Agent,

Wyandotte, I. T.

Dear Sir:

A man by the name of James Peacock, who is a Wyandotte Indian, and who claims to have been married to Lizzie Half-moon some five or six Years ago, and who has two children, one named Lawrence and the other Rosa, has applied to the United States Commission for enrollment as a Cherokee citizen. Will you kindly let us know if James Peacock, of Bartlesville, I. T., has received an allotment of land in the Wyandotte Nation in Your jurisdiction, and if he is carried on the annuity rolls there., and if so please make us certificates to that effect.

Yours truly,

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Seneca Indian Training School, Wyandott
Quapaw Agency, I. T., February 22, 1902

Mr. J. C. Starr, Atty.,
Muskogee, I. T.

Sir:

In reply to your several letters of inquiry of recent date concerning certain parties, I have to state the following:

Albert Paschal, Indian name was Ka-ya-a-se-tah, received an allotment of 200 acres in the Peoria Reservation, in this Agency. The names of Alameda Paschall, Annie Longtail, Moses Squirrel, Isaac Squirrel, and Rebecca Rogers I do not find on any of the Rolls here.

The names of Susan Daugherty, Susan Day, Susan Huff and Mamie Matney are not found on any of the Rolls.

Hiram Blackfish resides in this agency, having married an allottee of this agency, but received no allotment here nor has he ever drawn any annuity on the rolls of this Agency.

James Peacock, a Wyandotte, adopted by the Senecas and received an allotment with the Seneca tribe, in this Agency. He left here several years ago and is said to have married a Delaware woman.

Very respectfully,

(Signed) B. N. O. WALKER,
Clerk in Charge.

O--O--P--Y.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 575.

Muskogee, Indian Territory, October 30, 1902.

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 October 27, 1902, granting the application of Lizzie Peacock for the enrollment of her husband, James Peacock, as a citizen by adoption of the Cherokee Nation.

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

Respectfully,

C. R. Breckinridge.

Acting Chairman.
Commissioner in Charge

Enclosure C. No. 215

[illegible]

IN THE MATTER OF THE APPLICATION OF

James Peacock

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

FEB 20 1902

[illegible]
marriage [illegible]
certificate [illegible]?—
[illegible] the
Indian — [illegible]
[illegible] entitle [illegible]
[illegible]

IN THE MATTER OF THE APPLICATION OF

James Peacock

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A Original testimony of 10/13/00

B Memo. of application of 10/13/00

C Affidavits of Intermarriage, the Lookel

D Notice of final Consideration 3/11/02

E Letter from Indian Agent Wyandotte Agency

See [illegible]

Cher D 576

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I. T., OCTOBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF James D. Canary for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A James D. Canary.
Q How old are you? A Thirty one.
Q What is your Postoffice? A Tyro, Kansas.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the rolls?
A Myself, wife and children?
Q How many children? A Four.
Q Are you a Cherokee by blood? A No sir.
Q By adoption? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Have you your marriage license and certificate? A Yes sir.

The applicant presents a duly authenticated marriage license, issued by the Clerk of Canadian District, September 21st, 1892, authorizing marriage between himself and Nola Gibson, a citizen of the Cherokee Nation, and the certificate shows that they were united in marriage in accordance with said license on the same day, by the Reverend Frank Naylor. This paper is filed herewith.

Q Have you lived with your wife, and in the Cherokee Nation, ever since you married her in September , 1892? A Yes sir.
Q Were you ever married prior to your marriage to this wife?
A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q How long has your wife lived in the Cherokee Nation?
A Since 1891.
Q Was she admitted by the Cherokee authorities? A Yes sir.
Q Have you a certificate of her admission? A No sir; I have not.
Q Her maiden name was Gibson? A Yes sir.
Q Give me the name of her father? A W. M. Gibson.
Q Is he dead or living? A He is living.
Q Give me the name of her mother? A Louisa Gibson.
Q Is she dead? A Yes sir.
Q Give me the names please of your four children?
A Emma Pauline .
Q How old is that child? A Nine years old. I was married in Texas.
Q Prior to this marriage? A Yes sir.
Q Now give me the name of your next child? A Simeon Cecil.
Q How old is that child? A He is eight.
Q The next child? A James Harry.
Q How old is that child? A He is five years old.
Q Now the next child? A Elmira L.
Q How old is that child? A She will be three in December.
Q They are all living now, are they? A Yes sir.
Q Your wife has lived in the Cherokee Nation ever since her admission in 1891? A Yes sir.
Q You were married to her in Texas prior to your marriage under Cherokee law? A Yes sir.
Q When were you married to her in Texas? A In 1890.

(1896 Roll, Page 86, #59, James D. Canary , Canadian District)
(1896 Roll, Page 11, #289, Anola J. Canary, Canadian Dist)
(1896 Roll, Page 11, #290, Emma P. Canary, Canadian District)
(1896 Roll, Page11, #291, Simon C. Canary, Canadian District)
(1896 Roll, Page 11, #292, James H. Canary, Canadian District)

The applicant applies for the enrollment of himself, his wife and four children; He states that his wife was admitted to Cherokee citizenship in 1891, by the Cherokee Commission, and that she has lived in the Cherokee Nation ever since, but he is not able at this time to produce a certificate of admission; He is told to provide the

Commission with a copy of the said certificate: His wife is identified on the roll of 1896. To await the production of an official copy of the certificate of admission, the application for his wife's enrollment will at this time be placed upon a Doubtful Card.

The applicant files herewith his Cherokee license and certificate, showing that he and his wife were united in marriage in accordance with Cherokee law in September, 1899: He states that they have lived together, and in the Cherokee Nation, ever since their marriage, and that they were previously married in the State of Texas. He is identified with his wife on the roll of 1896: He will be listed with his wife upon a doubtful card, as an intermarried a Cherokee by intermarriage, to await the further evidence of her admission.

Of the four children, the first three are identified on the roll of 1896: They are living now, and they will be listed as Cherokees by blood, with their mother, to await the production of evidence of her admission.

When the Commission is supplied with a certificate of birth of the youngest child, Almyra L., this child also will be listed as a Cherokee by blood, with its mother.

---

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

A A Crawford

Subscribed and sworn to before
me this 15th day of October, 1900.

C A Bennett

COMMISSIONER.

Cherokee D. 876

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

H.L.L.

In the matter of the application of James D. Canary for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Anola J. Canary, and his four minor children, Emma P., Simeon C., James H., and Elmira L. Canary, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 15, 1900, the applicant, James D. Canary, appeared before the Commission at Newata, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Anola J. Canary, and their four minor children, Emma P., Simeon C., James H., and Elmira L. Canary, as citizens by blood of the Cherokee Nation. At the conclusion of the testimony taken on that date the names of all those included in this application were placed upon a Doubtful card, because no proof was made at that time of the admission of Anola J. Canary to the rights of citizenship in the Cherokee Nation. This proof was furnished at a later date.

It appears from the evidence in this case that Anola J. Canary, was admitted, with others, to all the rights and privileges of citizenship in the Cherokee Nation by an Act of the National Council of the Cherokee Nation, approved December 15, 1890.

It further appears from the evidence that James D. Canary, a white man, and Nola Gibson, a citizen of the Cherokee Nation, were married according to the laws of the Cherokee Nation on September 21, 1892. Four children were born of this marriage, the birth of Elmira L. Canary occurring December 11, 1897. The applicant, James D Canary, his wife, Anola J. Canary, and three children, Emma P.,

Simeon E., and James H. Canary, are all identified on the Cherokee Census roll of 1896.

It further appears from the evidence that the applicant, James D. Canary, and his wife, Anola J. Canary, have lived together in the Cherokee Nation ever since 1891, they having been married twice, the first time in 1898, under the laws of Texas.

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress June 28, 1898. [30 Stats., 495.]

It is therefore the opinion of this Commission that James D. Canary, is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that Anola J. Canary, Emma F. Canary, Simeon C. Canary, James H. Canary, and Elmira L. Canary are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment as such should be granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

3-James D. Danny et al.

Q Have you lived at this place ever since you and your wife left the Cherokee Nation? A There and at Vinita, to Tyro last year and moved back the first of April; we have no school and I moved to Tyro for the children to go to school.

Q As I understand you, you and your wife came from Texas in '91 or '92? A In '92.

Q And you have lived then in the Cherokee Nation until '97, is that right? A Yes sir.

Q Then you went to the Cherokee Nation and stayed there until what time in '98? A It was '99, I left there in March, '99.

Q Then where did you go to? A To where I now live.

Q And you lived then in the Cherokee Nation where you live now up until October last year, October 1901? A Yes sir.

Q Then from October, 1901, you lived in Tyro, Kansas, how long? A I believe until the latter of April, 1902. I moved back on the place.

Q And since April, 1902, you have been living in the Cherokee Nation? A Yes sir.

Q Are you living on a farm? A Yes sir.

Q Have your wife lived with you all this time at these different places? A Yes sir.

Q Are these your children, Mary P., Simeon C., James H., Minnie I. by your wife, Ancil? A Yes sir.

Q Are these children all living at this time? A Yes sir.

Q Is your wife living? A Yes sir.

Q Have these children lived in the Cherokee Nation and Indian Territory all their lives? A All except Minnie I. Have told you.

Q Have these children been in Texas at all? A Not in Texas

Cherokee D-576.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 6, 1902.

In the matter of the application of James D. Canary for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Anola J., and children, Emma P., Simeon C., James H. and Elmira Canary, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A James D. Canary.
Q What is your age at this time? A Thirty-three.
Q Are you the same James D. Canary that applied to the Commission for enrollment as an intermarried citizen on October 15, 1900? A Yes sir.
Q What is your postoffice? A Tyro, Kansas.
Q What is your wife's name? A Anola J.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir.
Q When were you and your wife, Anola J., married? A I believe we were married in '90; that is when we were first married; I was married in Texas.
Q You were married in Texas under Texas law? A Yes sir.
Q Then afterwards married in the Cherokee Nation? A Yes sir.
Q Did you take out a Cherokee license? A Yes sir.
Q When were you married the second time under a Cherokee license?
A I don't remember, I believe it was in '92 or '3.
Q You have filed that license? A Yes sir, they are here.
Q Were you ever married prior to your marriage to Anola J.? A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q You her first husband and she your first wife? A Yes sir.
Q Was your wife admitted to citizenship in the Cherokee Nation?
A Yes sir.
Q When was she admitted? A In '90 I believe.
Q By act of Council or by the Cherokee Commission? A By act of Council.
Q After she was admitted when did she come here, how long afterwards?
A In '91.
Q She came after you and she were married? A Yes sir, we were married before she was admitted.
Q Then after she was admitted you and she came here and then you took out a Cherokee license and married under Cherokee law? A Yes sir.
Q Have you and your wife lived together all the time as husband and wife since your marriage up until the present time? A Yes sir.
Q Never been separated? A No sir.
Q You have never been married to any other woman? A No sir.
Q You and she living together on the first day of September, 1902, as husband and wife? A Yes sir.
Q Have you and your wife lived in the Cherokee Nation since 1892, the date of your marriage? A Not all the time, no sir.
Q Where have you lived? A I lived one year in the Choctaw Nation.
Q What year was that? A In '97,
I went there in '97 in the fall of '97, and left in '98 to where I a m.
Q Where did you come to from the Choctaw Nation? A To Webbers Falls, I was running a store there.
Q Have you been living at Webbers Falls ever since you came from the Choctaw Nation? A No sir, I live west of Coffeyville; we came from Webbers Falls to the Choctaw Nation and from the Choctaw Nation to where I live now.
Q Do you live in the Cherokee Nation at this time? A Yes sir.
Q How far from the Kansas line? A The house is about a half mile from the line.
Q How far from the postoffice of Tyro? A Three and a half miles or four miles.

Q Have you lived at this place ever since you and your wife left the Choctaw Nation? A There and at Tyro. I went to Tyro last year and moved back the first of April; we have no school and I moved to Tyro for the children to go to school.
Q As I understand you, you and your wife came from Texas in '91 or '2? A In '91.
Q And you have lived than in the Cherokee Nation until '97, is that right? A Yes sir.
Q Then you went to the Choctaw Nation and stayed there until what time in '98? A It was '99, I left there in March, '99.
Q Then where did you go to? A To where I now live.
Q And you livedthen in the Cherokee Nation where you live now up until October last year, October 1901? A Yes sir.
Q Then from October, 1901, you lived in Tyro, Kansas, how long? A I believe until the 10th day of April, 1902, I moved back on the place.
Q And since April, 1902, you have been living in the Cherokee Nation? A Yes sir.
Q Are you living on a farm? A Yes sir.
Q Has your wife lived with you all this time at these different places? A Yes sir.
Q Are these your children, Emma P., Simeon C., James H., Elmira L. by your wife, Anola? A Yes sir.
Q Are these children all living at this time? A Yes sir.
Q Is your wife living? A Yes sir.
Q Have these children lived in the Cherokee Nation and Indian Territory all their lives? A All except what I have told you.
Q Was this oldest child born in Texas or not? A She was born in Texas.
Q How old was she? A She was born in May and we moved here the next March.
Q She was nearly a year old? A Yes sir.
Q Has Emma P. lived in the Cherokee Nation ever since she was about a year old? A Yes sir.
Q All the time? A Except what I have told you.
Q All the time except when you were in Tyro, Kansas? A Yes sir.
Q And these other three children lived with you all the time at the different places you have mentioned? A Yes sir.

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

E. G. Rothenberger

Subscribed and sworn to before me this 23rd day of October, 1902.

T. B. Jones
Notary Public.

Cherokee D-576.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James D. Canary for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Anola J. Canary, and their four minor children, Emma P., Simeon C., James H., and Elmira L. Canary as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 15, 1900, James D. Canary appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Anola J. Canary, and their four minor children, Emma P., Simeon C., James H., and Elmira L. Canary as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

The evidence shows that James D. Canary, a white man, and his wife, Anola J. Canary, nee Gibson, a citizen of the Cherokee Nation, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on December 15, 1900, were lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on September 21, 1892. The four minor children, applicants herein, were born of that marriage.

James D., Anola J., Emma P., Simeon C., and James H. Canary are identified on the Cherokee Census roll of 1896. Elmira L. Canary was born on December 11, 1897, and is too young to appear upon any roll of the Cherokee Nation, but is duly identified by a birth affidavit made a part of the record herein.

The evidence further shows that James D. Canary and his wife, Anola J. Canary removed to the Cherokee Nation from Texas in 1891, they having been married in that State prior to his wife's readmission to citizenship in the Cherokee Nation as hereinbefore shown. They continued to reside in the Cherokee Nation until 1899, at which time they removed to the Choctaw Nation, where they remained until October, 1901, removing at that time to Tyro, Kansas, where they lived until April 10, 1902, when they returned to the Cherokee Nation, and were residents therein, as husband and wife, on September 1, 1902. The residence of the minor children is considered to be the same as that of their parents.

It is, therefore, the opinion of this Commission that James D. Canary should be enrolled as a citizen by intermarriage, and that Amelia J. Canary, Mary P. Canary, Elizabeth A. Canary, Jeremy L. Canary and Elmira L. Canary should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 576.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of James D. Canary for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Anola J. Canary, and his four minor children, Emma P., Simeon C., James H. and Elmira L. Canary, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision, granting the application of the above named parties. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 9.

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.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-576 .

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of James D. Canary for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Anola J. Canary, and his four minor children, Emma P., Simeon C., James H. and Elmira L. Canary, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in 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,

Acting Chairman.

Enc. H-236.

IN THE MATTER OF THE APPLICATION OF

James D. Downey et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 10/15/00

B Memo. of application of 10/15/00

C Marriage license and certificate

D. Certified copy of certificate of admission

E Birth certificate of Elmira L. Canady

Cher D 577

No-577

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 15, 1898.

In the matter of the application of John P. Davis for enrollment of himself and children as Cherokees by blood or his wife as a Cherokee by intermarriage: being duly sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A John P. Davis.
Q What is your age? A 44.
Q What district do you live in? A [illegible].
Q What is your post office address? A [illegible].
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir, by blood.
Q What degree of blood do you claim? A Three-fourths.
Q For whom do you apply for enrollment? A Myself, wife and two children.
Q What is your father's name? A Charles Davis.
Q Is he living? A No, sir.
Q What is your mother's name? A [illegible].
Q She living? A No, sir.
Q What is your wife's name? A Grania Davis.
Q She a citizen by blood? A No, sir.
Q When were you married to her? A In 1894.
Q Are you any relation of Grania's? A No, sir.
Q What are the names of your children? A Bertrude, who is 8 years old, six years old this coming month.
Q What is the name of the next one? A [illegible], who is 7 years old and past.
Q Any others? A No, sir.
Q These children alive and living with you at this time? A Yes, sir.
Q Have you any proof of birth as to this young [illegible]? A No, sir.
Q How long have you lived in the Cherokee Nation? A Have my raised here.
Q Did you ever go by any other name? A [illegible] was the name I always went by.
Q Your name isn't on the roll of 1880, you will have to bring proof that you are a Cherokee.
(John P. Davis on 1896 roll, page 146, No. 1884, John Davis, Coweta District. Grania Davis on 1896 roll, page [illegible], No. 361, Grace Davis, Coweta District. Bertrude Davis on 1896 roll, page 142, No. 1285, Coweta District.)
Q Did you draw annuity money in 1897? A Yes, sir, I drew annuity money and drew old settlers' money.
Q Who drew that money for you? A I drew it myself as I think.
(On 1896 roll, page 170, No. 1174, John Davis, Coweta dist.)
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Live here now? A Yes, sir.
Q Grania your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
Q You are living together now? A Yes, sir.

The name of John P. Davis appears upon the census roll of 1896. He present satisfactory proof of his marriage to one Grania Thomas, a Non citizen, in the year 1894, and the name of this wife appears upon the census roll of 1896. The name of his child, Bertrude, appears upon the census roll of 1896. The name of John P. Davis is also found upon the pay roll of 1896, but his name cannot be found upon the authenticated roll of 1880. He swears that he was an orphan at that time. Having made satisfactory proof of his marriage, and being duly identified as the identical John P. Davis who appears upon the census roll of 1896 and the pay roll of 1894, final judgment as to the enrollment of said John P. Davis as a Cherokee citizen by blood, and his wife, Grania, as a Cherokee citizen by intermarriage, and his children Bertrude and Fleas, will be suspended and their

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

In the matter of the application of John B. Davis — Supplemental — Case [illegible].

Jim Tiffany, being sworn and examined by Commissioner T. L. Rosser testified as follows:

Q What is your name? A Jim Tiffany.
Q What is your age? A I am [illegible] old.
Q What is your Indian blood? A [illegible].
Q Are you a citizen of the Cherokee nation? A Yes, sir.
Q Do you know John B. Davis? A Yes, sir.

By John B. Davis: I want to prove that I was born in the year of '80 and I am a Cherokee citizen by blood; I was not born on the '80 Roll.

Commissioner T. L. Rosser:
Q Mr. Tiffany, how long have you known John B. Davis?
A All his life.
Q What is his father's name? A Charley Davis.
Q Is he living? A No, sir.
Q What was his mother's name? A Jane Scaly; she was my sister's [illegible].
Q Is she living? A Sometimes. No, sir.
Q Was she a Cherokee by blood? A Yes, sir.
Q His name is not found on the roll of 1880; do you know why it is not there? A No, sir, I don't.
Q His father and mother are both dead, are they? A Yes, sir.
Q Do you have known this man ever since he was [illegible]?
A I have known him all his life.
Q Did he always live in the Cherokee nation? A Yes, sir, he was raised in the Cherokee nation.
Q What degree of Cherokee blood has he, do you know?
A No, sir, I do not.
Q Was his father a white man or Cherokee? A Cherokee.
Q Was his mother a white woman or a Cherokee? A She was a Cherokee.
Q Is your wife a sister to John B. Davis? A Yes, sir.
Q Full sister? A Yes, sir.
Q Is she younger or older than he? A Younger.
Q Is her name on the roll of 1880? A Yes, sir.
Q Were they living together when they were children? A Yes, they lived together; they lived with my uncle at Tahlequah [illegible] and then went to the orphan asylum.
Q Both went to school at the orphan asylum? A Yes, sir.
Q How much older is your wife than he? A I believe she's two years younger than I am, as I remember.
Q What is your wife's name? A Rosetta Davis was her name.
Q Who was your wife living with along about '80? A I don't remember who she was living with.

Commissioner T. L. Rosser to John B. Davis:
Q Is Nancy or Rosetta a full sister of yours? A Yes, sir.
A And Elizabeth? A She's a full sister; there is all of us living alive of the orphan asylum.

Sec'y. T. L. Rosser: Upon an examination of the Rolls of the Cherokee Nation the applicant's full sisters, Elizabeth and Rosetta Davis are found on the Roll of 1880; his uncle Albert Davis and his grandfather Jack Davis are also found upon the intermarried roll of 1880.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

COMMISSIONER.

[redacted]

Cherokee D 977

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of John P. Davis, et al., as citizens by blood of the Cherokee Nation.

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D E C I S I O N.

The record in this case shows that on October 18, 1900, John P. Davis appeared before the Commission at Newata, Indian Territory, and made application for the enrollment of himself and minor children, Gertrude and Fluma Davis, as citizens by blood, and for his wife, Gracia Davis, as a citizen by intermarriage, of the Cherokee Nation. As the said Gracia Davis has been differently classified, her rights to enrollment as a citizen of the Cherokee Nation will not now be passed upon. Further proceedings in the matter of said application were had February 28, 1901, and March 2, 1902, at Muskogee, Indian Territory.

The evidence in this case shows that the principal applicant, John P. Davis, is a Cherokee by blood, is duly identified on the Cherokee strip payment roll of 1894, and Cherokee census roll of 1896, and, with the exceptions below noted, has continuously resided in the Cherokee Nation since birth. Since the year 1898, the said John P. Davis has, during a part of the time, resided in Colorado and Wyoming, but it appears that during such residence abroad he has owned and controlled valuable property in the Cherokee Nation, and it is not considered that his rights to citizenship in said Nation have been forfeited. The minor applicants are children of the applicant, John P. Davis, have continuously resided with their father since birth, and the said Gertrude Davis is identified on the Cherokee census roll of 1896, and the said Fluma Davis is identified by a birth affidavit filed herewith, and made a part of the record in this case.

[redacted]

(SIGNED) Tams Bixby.

[redacted]

(SIGNED) T. B. Needles.

[redacted]

(SIGNED) C. R. Breckinridge.

[redacted].

[redacted], Indian Territory,

[redacted] FEB 24 1905

ATTORNEYS:
I. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D 577

Muskogee, I. T., Jan. 17, 1902.

Mr. S. H. Mayes,

Pryor Creek, I. T.

Dear Sir:

John P. Davis applied for enrollment in October, 1900, and gave his age then as being 31, and his post-office at Pryor Creek, I. T., his father was named Charley Davis and his mother Dora Davis. His wifes name was Gracia Davis, formerly Washam. He applied for two children, Gertrude and Plume, I have been advised that this man has returned to Colorado and does not at present live in the Cherokee Nation.

Write me anything you may know which might effect his ~~an~~ right to enrollment as a citizen of the Cherokee Nation.

Yours very truly,

Atty. for the Cherokee Nation.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number G. D. 577.

Muskogee, I. T., Feb. 20, 1902.

Mr. Wat Hayes,

Pryor Creek, I. T.

Dear Sir:-

A man by the name of John P. Davis who says his home is at Pryor Creek has applied for enrollment. His wife's name is Grace Davis, and we understand he has been living at Laramie, Wyoming, for the past three or four years. Kindly advise us what you know as to the residence of this man. Has he had a home at or near Pryor Creek during the last three or four years, and has he had any property there? Please investigate this case and give us the names of two good witnesses who would know as to the residence of this man Davis, and who would know that he has no home at or near Pryor Creek.

Yours truly,

( 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 , 190 .

Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

---

Proof of Service made
and original filed with the
DAWES COMMISSION.
FEB 27 1902

# NOTICE!

*IN THE MATTER OF* the application of John P. Davis,
for enrollment as Cherokee citizens:
Case No. D 577.

To John P. Davis, Laramie, Wyoming:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on March 5th, 1902, **at 8 o'clock A. M.,** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 21st, 1902.

M. W. Harding

Attorneys for the Cherokee Nation.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. C. D. 577.

Muskogee, I. T., Feb. 21, 1902.

City Marshal,

Larimie, Wyoming.

Dear Sir:

Enclosed find a notice which please serve on John P. Davis, and swear to Your return of service before a Notary Public, and return to me at once with Your bill for same. As this case is set for March 5th I trust You will make the service at once.

Yours truly,

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 577.

Muskogee, I. T., Feb. 24, 1902.

Mr. Watt Mafes,

Bacon Creek, I. T.

Dear Sir:

Enclosed herewith please find a subpoena for Your attendance before the Dawes Commission at Muskogee on the 5th daY of March, 1902. Kindly acknowledge receipt of the subpoena bY signing the blank in red ink at the bottom and return bY first mail, and also advise us if You will be on hand promptlY at that time.

Yours truly,

# MARSHAL'S RETURN.

INDIAN TERRITORY, )
Cherokee Nation. ( SS.

**I HEREBY CERTIFY** That I received the within summons on the.....day of.....1901, and that I served the same by copy, as follows:

Personally on..... at..... this.....day of.....1901

Personally on..... at..... this.....day of.....1901

Personally on..... at..... this.....day of.....1901

At residence of..... at..... this.....day of.....1901

At residence of..... at..... this.....day of.....1901

At residence of..... at..... this.....day of.....1901

With a member of witness's family over fifteen years of age there residing.

Mat Maxey
Marshal for the Cherokee Nation

J. D. 577.

# SUBPOENA.

INDIAN TERRITORY,
Cherokee Nation.

TO THE MARSHAL FOR THE CHEROKEE NATION:

**You are Commanded in the Name of the Cherokee Nation,** by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons

Watt Giles, Indian Creek, I. T.

to be and appear before the United States Commission at Muskogee, I. T., in District on the 5th day of March, 1901, then and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under my hand this the 24 day of Feb., 1902, 1901.

I, hereby accept service of the within Instrument on this the _____ day of _____, 190__

M. M. Harlinger

Attorneys for the Cherokee Nation.

COUNCIL

W. L. HICKS,
J. E. GATES,
W. A. JONES,
FRED TREGONING,
JOHN ENGSTROM

OFFICE OF
**City Marshal,**
Laramie, Wyoming.

OFFICERS.

N. F. SPICER, - - - Mayor.
DAVID McCULLAGH, - - Clerk.
C. D. SPALDING, - - Treasurer.
H. V. S. GROESBECK, - Attorney.
E. B. DAVIES, - - - Marshal.

Laramie, Wyoming, Feb 24th 1902

Mr Sloan
Justice

Dear Sir
I am Recived have attended to this Matter as Requested Return you Notice left the other with Mr Davis he leaves here next Thursday to be present to attend to this Matter his Fatherinlaw had sent him word also hoping this will be satisfactory
I am Resp Yours
E B Davis
Marshal

Laramie Feb 24 - 1902

Mr C Sloan
To E B Davis Dr
for services rendered serving Notice and taking Affdt befor Notary Public of John P. Davis Recieving the Same three Dollars ($3.00)

E B Davis

FEB 28 1902

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

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

Dtd

REFER IN REPLY TO THE FOLLOWING

Cherokee D-877.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 24, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of John P. Davis and his minor children, Gertrude and Pluma Davis, as citizens by blood of the Cherokee Nation.

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

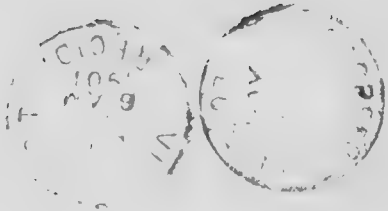
Respectfully,

Tams Bixby

Chairman.

Encl. L-36.


25
IND



CHEROKEE D. 57

John P Davis et al.

OCT 25 1907 [illegible] transferred to [illegible] (P-1125.

MAR 15 1905 Nos 1, 3 + 4 transferred

to 10870

Cher D 578

10-578

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15, 1900.

In the matter of the application of John Dawson for the enrollment of himself and children as Cherokees by blood, and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A John Dawson.
Q What is your age? A 52.
Q What is your post office address? A Wasson.
Q What district do you live in? A Delaware.
Q Are you recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A 1/16.
Q Your name on the roll of 1880? A No, the roll of 1896 I believe.
Q I asked you if it is on the 1880 roll? A I don't think it is.
Q By what right do you claim citizenship, got any proof of citizenship? A Yes, sir.
Q Applicant presents a certificate of citizenship issued from the office of the Commission on Citizenship at Tahlequah January 11, 1883, signed by Thos. Teehee, President of the Commission, Alex Wolf and T. F. Thompson, Commissioners, approved by E. W. ~~Rankhead~~ C. Duncan, Clerk of the Commission, attested by John L. Adair, Assistant Executive Secretary, under the seal of the Nation. In this certificate I find the name of John Dawson. Are you the identical John Dawson mentioned in said certificate? ~~Xxxxxxxxx~~ A Yes, sir.
Q For who do you apply for enrollment? A About nine of us I guess.
Q Who do you apply for? A Myself, wife and children.
Q What is the name of your wife? A Sarah J. Dawson.
Q She a citizen by blood? A No, sir, an adopted citizen.
Q What was her name before you married her? A Sarah Wood.
Q When did you marry her? A About 30 years ago I believe.
Q Was she admitted to citizenship at the same time you were? A No, sir, they said there wasn't any use, they came in as we did.
Q When were you married to her? A It was about 30 years ago.
Q Was she a white person? A Yes, sir.
Q Have you any children under 21 years of age? A Yes, sir.
Q What are their names? A Robert B., 18 years old.
Q The name of the next one? A Iola May, 17 years old.
Q The name of the next one? A Lemuel H., he is 15.
Q The next? A Rose Belle, 14 years old.
Q Well, the next? A Charles B., 1 years old.
Q The next one? A Hattie John, she will be 7.
Q The next? A Jennings Bryant, 4 years old.
Q The next? A James U. Dawson, he isn't on the roll, I have a certificate for him, two years old.
Q Have you any proof of marriage? A Yes, sir.
(Applicant presents satisfactory proof as to the birth of his youngest child, James Ulrick Dawson. Applicant also presents satisfactory proof of marriage to one Sarah Wood, a non citizen of the Cherokee Nation, said marriage being solemnized in Carroll County, Ark, on the 8th day of October, 1871.)
(John Dawson on 1896 roll, page 462, No. 926, Delaware district. Sarah J. Dawson on 1896 roll, page 565, No. 140, Sarah Jane Dawson, Goose Creek district. Robert B. Dawson on 1896 roll, page 462, No. 929, Robert Benton Dawson, Delaware district. Iola May Dawson on 1896 roll, page 462, No. 930, Iola May Dawson, Delaware district. Lemuel H. Dawson on 1896 roll, page 462, No. 931, Lemuie Hendrix Dawson, Delaware district. Rose Belle Dawson on 1896 roll, page 462, No. 932, Delaware district. Charles B. Dawson on 1896 roll, page 462, No. 933, Charles Bushyhead Dawson, Delaware district. Hattie John Dawson on 1896 roll, page 462, No. 934, Delaware dist. Jennings Bryant Dawson on 1896 roll, page 462, No. 935, Delaware dist.)
Q How long have you lived in the Cherokee Nation? A 17 years.
Q Continuously? A Yes, sir.

John Dawson - 2.

Q These children all alive and living with you at this time?
A Yes, sir.

The name of John Dawson and his wife, Sarah J., are not found upon the authenticated roll of 1880, but he presents a certificate of admission to citizenship more particularly described in the testimony, certifying that he was declared a citizen by blood in the year 1883. The name of his wife, Sarah J., to whom he avers he was married in the year 1871, does not appear on the certificate of admission, and no proof is presented that she was admitted as a citizen of the Cherokee Nation by intermarriage. He presents satisfactory proof as to his marriage having occurred in the State of Arkansas, she being a non citizen. Her name is found upon the census roll of 1896, as well as the name of John Dawson, and their children as enumerated in the testimony, with the exception of the youngest child, James H., and he presents satisfactory proof of birth as to said child. From the fact that the name of his wife, Sarah J. Dawson, does not appear in the certificate of admission that he presents, final judgment as to her enrollment as a Cherokee citizen by intermarriage will be suspended, and her name will be placed upon a doubtful card. From the further fact that the representatives of the Cherokee Nation protest against the enrollment of the said John Dawson and family as Cherokee citizens by blood, contending that their admission was procured by fraud, final judgment as to the enrollment of the said John Dawson and his said children will be suspended, and their names will also be placed upon a doubtful card.

———o———

Bruce P. 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 P. Jones

Sworn to and subscribed before me this the 15th of October, 1900.

J. B. Fridley

Commissioner.

Cherokee D 518

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Charles T. Moore et al for enrollment as Cherokee citizens.

Appearances:
Mr. Mellette, of Vinita, I. T., attorney for applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY MR. MELLETTE: The attorney for the applicant desires that the act of the Tahee Commissioner's Court, admitting Mollie Dawson, wife of the applicant, be copied in full from the official records as now in the hands of this Commission.

BY COMMISSIONER NEEDLES: On page 114, No.108, record of the Commission on Citizenship, from 1880 to 1884.

BY MR. MELLETTE: I want the pay roll of 1883, and 1886 and 1890, of Delaware District;

1883 pay roll Cherokee Nation, for applicants, and their names not found, either in Delaware or Ceowesceowee districts.

1886 pay roll of Cherokee Nation, No page given, No.1458, Mollie Moore, Delaware District. Note: "Formerly a Dawson." No age given.
1459, Nora Moore, no age. No.1460, Maud Moore, 16 months old (dead)

1890 pay roll examined, page 388, No number, Charlie Moore, adopted white.
same page, Mary Moore, no age or nationality. Nora, Walter and Hugh, in the same family.

CHARLES T. MOORE, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q What is your name? A Charles T. Moore.
Q What is your age? A 47.
Q What is your post-office address? A Vinita, Indian Territory.
BY MR. MELLETTE:
Q You are the applicant in this case are you, Mr. Moore?
A Yes sir.
Q Upon the pay roll of 1890 certain names have just been copied in the record; Charles Moore, who is that? A I am the person.
Q Mary Moore, who is that? A That is my wife, Mollie.
Q Is she called Mary? A Yes sir.
Q What name does she usually go by? A Mollie.
Q But that is your wife? A Yes sir.
Q Nora, is that your child? A Yes sir, now living.
Q Walter, is that your child? A Yes sir, now living.
Q Hugh? A That is my child, he is dead.
BY MR. HASTINGS:
Q You didn't draw for yourself, there are just the four members of your family? A Three I guess.
Q Well you had a wife and three children? A Yes sir.
BY MR. MELLETTE:
Q Did you draw money for your wife and children in 1883, the year you moved to this country? A Yes sir, in the fall of 1883, at Vinita.
BY MR. HASTINGS:
Q Where? A At Vinita.

Q At the regular payment? A Yes sir, I was enrolled along in the summer before at Roke, in I think October sometime in October, or November; I drew for two persons, my wife and one child, 31 dollars,

BY MR. MELLETTE:

I want the 1894 pay roll, of Delaware district.

Q Have you a child named Carrie now? A Yes Sir.

1894 pay roll of the Cherokee Nation examined, page431 No. 1922 Mary Moore, Delaware District.
page 431 No.1923 Nora Moore, Delaware District;
page 431 No.1924 Walter Moore, Delaware District;
page 431 No.1925 Carrie Moore, Delaware District.

BY MR.MELLETTE: I want the testimony of W.M.Dawson case made part of the testimony in this case, No.D324.

BY COMMISSIONER MEEDLES:

That will be ordered.

The decision of the Cherokee Commissioner's court above introduced is as follows:

The record of the judgment of the Cherokee Commission on Citizenship, on page 114, No.180, is as follows:

"Office Commission on
Citizenship, Tahlequah C. N.
September 24th, 1881.

No.108,
Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson,
John Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Rial Dawson,
vs.
Cherokee nation.

Petition for citizenship.

Continued by the plaintiff.
Oct 5,1881.

January 18th 1882.
The above case continued by the Cherokee Nation till Sept. term.
Agreed by the parties that the above case shall not be taken up for final disposition before the 4th day of Oct.1882.
Oct.4th,1882.
It is agreed by the parties that this shall be finally disposed of at the next January term , if the Claimant is is present- demanding the same; if not, the case shall be then continued to the September term 1883.

On this agreement Commission continues the case till the next January term, to wit January 1883.

And now on this 11th day of January A.D. 1883 this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship that the Claimants, Robert Dawson, [illegible] Dawson,

Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Nelly Dawson, Wilbrea Dawson, James Dawson, and Rial Dawson are Cherokees by blood; and that they are entitled to all the rights, and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Thos. Tehee, President of Com.

Alex Welfe,

D.W.C.Duncan, Clerk of Commission.

T.F.Thompson, Commissioners.

Transcript issued to Claimants January 11th,1883.
D.W.C.Duncan,
Clerk."

Marginal note: "Case submitted by Claimant January 11th, 1883.
Case submitted by the Solicitor, January 11th,1883."

---

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

M D Green

Cher
Supp'l to D 578

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

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

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

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

---

E. 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 November 19, 1902.

B. H. Jones
Notary Public.

NOTHEROKEE

Sarah J
~~John~~ D anson ~~Ind~~

1 W

April 17, 1904, No 1, 3 to 11 incl.
transferred to Cherokee 10742

CO[illegible] TESTIMONY FILED
WITH THE CHEROKEE NATION.

OCT 25 190[illegible]

D. A. 394

Cher D 579

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15, 1900.

In the matter of the application of John V. Kinney for the enrollment of himself as an adopted Delaware; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A John V. Kinney.
Q What is your age? A 68.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A No, sir.
Q By intermarriage? A No, sir, by adoption
Q For whom do you apply for enrollment? A I am a Delaware.
Q Who do you want to enroll? A Nobody but myself.
Q Your name on the roll of 1880? A Yes, sir, on all the rolls.
Q How long have you lived in the Cherokee Nation? A Ever since 1868.
Q Lived here continuously since that time? A Yes, sir.
Q Living here now? A Yes, sir.
(On 1880 roll, page 125, No. 1987, John Kinney, Coweescoowee district, adopted white; on 1896 roll, page 374, No. 377, John V. Kinney, Cooweescoowee district; note on 1896 roll: "Adopted in Delaware tribe, No. 169; shows to be white on Cooweescoowee district roll. Present wife white.)

~~The name of John V. Kinney appears upon the authenticated roll of 1880 as an intermarried white man, and an adopted Delaware. His name also appears upon the census roll of 1896 as an intermarried white. The testimony shows that his wife, Eliza.~~
Q When did your wife die, Mr. Kinney? A In 1894.
Q You ever married since? A Yes, sir.
Q A white woman? A Yes, sir, I came into this country with the Delawares.

The name of John V. Kinney appears upon the authenticated roll of 1880, as an intermarried white man, and an adopted Delaware. His name also appears upon the census roll of 1896 as an intermarried white. The testimony shows that his wife, Eliza, who was a Delaware by blood, died in the year 1894, and since that time that he has married a white woman. Because of his marriage with a white person, and of the provisions of §565 of the Revised Statutes of the Cherokee Nation of 1892, final judgment as to the enrollment of said John V. Kinney will be suspended and his name will be placed upon a doubtful card.

———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 of October, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, I.T. October 18th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF JOHN V. KINNEY, ON D CARD NO. 579.

HENRY ARMSTRONG, Being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Henry Armstrong.
Q What is your age? A Fifty-eight.
Q What is your post office? A Coodys Bluff.
Q What is your district? A Coowescoowee.

Examination by Mr. E. B. Lawson, counsel for Mr. John V. Kinney.
Q Are you acquainted with John V. Kinney? A Yes, sir.
Q How long have you known John V. Kinney? A Since 1857.
Q Do you know whether he was ever admitted as a Delaware by the Delaware tribe of Indians? A Yes, sir.
Q State when and where.
A Why he was admitted in the treaty of 1867 as one of the Delawares and get his rights the same as any other Delaware.
Q Do you know whether he was admitted into the Cherokee Nation as a registered Delaware? A Why, he must have been. His name is on the registry roll of 1867.
Q Have you a copy of the register roll of 1867 of the Delawares that were admitted into the Cherokee Nation? A Yes, sir; I think I have.
Q Have you got the roll with you? A (Exhibits paper) Yes, sir.
Q I will ask you Mr. Armstrong if Mr. Kinney's name appears on that roll. A Yes, sir.
Q What roll is this supposed to be? A Well, that is supposed to be a copy of the register roll of 1867.
Q Do you mean to say that he was then admitted into the Cherokee Nation as a registered Delaware? A Yes, sir.
Q On the register roll do you know what John Kinney's number was?
A No, I think it is 169.
Q Do you know whether or not John Kinney has always been recognized as a Delaware Indian? A Why he was tried to be cut out once, but they failed.
Q He has then been recognized all the time since he was admitted as a Delaware Indian? A Yes, sir. They failed to cut him out some way. I don't know how it was, but the Secretary of the Interior reinstated him in the tribe the same as any other person.
Q Do you know whether or not he paid his proportionate share of money for a right in the Cherokee Nation the same as other registered Delawares? A Yes, sir.
Q He did pay? A Yes, sir.
COMMISSIONER NEEDLES: How do you know he paid it? A Why he had his rights.
Q Did you see him pay the money? A No, sir.
Did you ever see the receipt? A No, sir; there was no receipt,

Q How do you know he paid it then? A I couldn't say that.
Q No, you couldn't say. You just think he paid it.
A Yes.

Q Is John Kinney a white man or an Indian by blood? A Well, he was a white man, but he was known as an Indian.

Examination by Mr. Cale Starr, representative of the Cherokee Nation.
Q Isn't it a fact that he was adopted by intermarriage into the Delaware tribe? A Well, I couldn't say; he was married to a Delaware woman, but then he bought his rights himself.
Q Well, did they pass an act of their council admitting him? A Yes, sir.
Q Admitting him as an intermarried citizen? A I don't know about that. They admitted him the same as any other Delaware, though.
Q His wife now is a white woman, isn't she? A That is what I learn.

Examination by Mr. R. B. Lawson, continued.

Q Do you know whether or not Mr. Kinney has drawn Delaware Money the same as other registered Delawares here in the Cherokee Nation?
A Yes, sir; he always drawed the same as myself.
COMMISSIONER MEEDLES: How do you know he drew money? A I seen him.
MR. STARR:(Representative of the Cherokee Nation) Do you know whether he drew it for himself? A Yes, sir.
MR. Starr: (Representative of the Cherokee Nation) And for his family? A Yes, sir.
Mr. R. B. Lawson: (Counsel for Mr. John V. Kinney) Do you know whether an adopted white man ever drew Delaware money? A Yes, sir. There were about eight of them did.
MR. R. B. Lawson: (Counsel for Mr. Kinney) Were those eightadmitted at the same time with Mr. Kinney? A Yes, sir.
By Mr. Lawson:
Q Do you know whether or not there was an act passed admitting these eight men as citizens of the Delaware Tribe of Indians? A I couldn't say as to that.
Q Do you know whether these are the only eight white men that have ever drawn money with the Delawares? A That is all.
Q These were admitted in what year, do you remember, Mr. Armstrong?
A In 1867.

Witness excused.
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JOHN R. WILLY, being sworn and examined by Commissioner T. P. Meedles, testified as follows:
Q What is your name? A John R. Willy.
Q What is your age? A Fifty.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q How much blood? A Delaware.
Q Full blood? A About three-fourths.
Examination by Mr. R. B. Lawson, counsel for Mr. John V. Kinney.
Q Are you acquainted with John V. Kinney? A Yes, sir.
Q How long have you known him? A About thirty years, or thirty-five.
Q Where did you first become acquainted with him? A In the Delaware Nation in Kansas.

Q Do you know whether he was ever recognized as a Delaware Indian in the State of Kansas before he came down here? A I couldn't say that.

Q Do you know whether or not he bought his right in the Cherokee Nation the same as other registered Delawares? A He drew money with the Delawares is all I know. He was down here.

Q He has drawn money with the Delawares? A Yes, sir.

Q Have all adopted white men drawn money with the Delawares? A There was six or seven of them, I believe, drew money with the Delawares.

Q Are they all the white men that ever drew money with the Delawares just these seven or eight? A Yes, sir.

Q No others have drawn money with the Delawares at all? A No, sir.

Q Were these eight looked upon as registered Delaware Indians? A Yes, sir.

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1896 Delaware Pay-Roll, page 15, No. 646, John V. Kinney, amount received $39.22.

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John V. Kinney, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John V. Kinney.
Q What is your age? A Sixty-nine.
Q What is your postoffice address? A Lenapah.
Q Are you the applicant for enrollment? A Yes, sir.

Examination by Mr. M. B. Lawson, counself for Mr. John V. Kinney.

Q How long have you lived in the Cherokee Nation, Mr. Kinney? A Ever since 1868, the spring of 1868.

Q How did you come to reside in the Cherokee Nation? A I was adopted and enrolled by the Cherokees.

Q When were you adopted as an Indian? A In Kansas.

Q Are you a white man? A Yes, sir.

Q Were there any other whites adopted at the time you were? A Might of us.

Q What year was that in which you were adopted? A 1867, I believe.

Q Do you know whether or not since that time any other whites have ever been adopted as citizens? A No, sir.

Q Since 1867 have you drawn money at all times? A Yes, sir.

Q At all payments that have been made to the Delawares? A Yes, sir.

Q I will ask you if you came into this Cherokee Nation as a registered Delaware the same as the other Delawares came in here? A Yes, sir.

Q You have always had the rights and priviliges of a Delaware Indian, have you not? A Yes, sir.

Q Since you have been in the Cherokee country? A Yes, sir.

By Commissioner Needles:

Q Did you pay any money? A Why, the nation paid it for me.

Q Who? A The Delaware Nation.

Q You didn't pay individually? A No, sir. I relinquished my title on my land when I came to the Cherokee Nation.

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[illegible]

[illegible]

Date cribed and sworn to before me this [illegible] day of [illegible] 1900.

[illegible]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June, 29th 1901.

SUPPLEMENTAL TESTIMONY in the application of John V. Kinney, et al.
Cherokee Doubtful card, No. 578.

J. H. Keith & N. B. Lawson attorneys for the applicants

W. W. Hastings for the Cherokee Nation.

JOHN ADAMS called and sworn as a witness before Commissioner T. B. Needles, testified as follows for the applicant-

By Mr. Keith-

Q What is your name? A. John Adams.
Q Are you acquainted with this applicant here? A. Yes sir.
Q How long have you known him? A I have known him ever since '65 or 4
Q Where did you first know him? A. In Kansas.
Q Do you know when he came to the CherokeeNation? A. Yes sir the time my people did.
Q Did he come here as a Registered Delaware? A Yes sir.
Q Was he adopted as a member of the Delaware tribe? A Yes sir.
Q When? A. I dont exactly know the date.
Q Was that done in Kansas or here? A In Kansas.
Q How was he adopted? A. By a special act of the Delaware Council.
Q Where was the Council Mmxx held? A We had a Council House in Wyandott County Kansas.
Q Were your proceedings written or verbal? A It was written at the time but I cannot say where the records are.
Q Were you the Secretary of the Council at the time? A Yes sir part of the time .
Q Do you know where the records are now? A. I dont know, but they might be obtained.
Q Where did you last see the original records? A. They were at the Delaware Agency the last time I saw them.

By Hastings-

Q You testified a moment ago in the case of John Marshal didn't you? A Yes sir.
Q You testified that he came here with the Delawares didn't you? A. A Yes sir, I stated that he came here and went back just like the balance of my people did.
Q You testified that you saw him between '62 and '75? A Yes sir and until the present time.

By Mr. Keith-

Q Do you know if the applicant in this case was on the original Delaware roll that was made when the Delawares came to this country? A. Yes sir he is on the Delaware Registered Roll.

SALLIE G. SMITH called and sworn as a witness for the applicant-

By Mr. Keith-

Q What is your name? A. Sallie G. Smith.
Q Where do you reside? A. In Geffeyville, Kansas
Q What is your age? A. 61.
Q What Nationality are you? A A Delaware

Q Do you know this applicant? A. Yes sir.
Q How long have you known him? A. 40 years.
Q Where did you first know him? A. In Kansas.
Q Do you know when he first came to this country? A. Yes sir he came the same day I did, we married together, on the 26th of January, 1866.
Q Do you know whether or not he was admitted into the Delaware tribe before the Delawares moved here or not? A. Yes sir he was with my husband, there was ten admitted, he was one of them.
Q Where was that done? A. In Wyandott Kansas.
Q When? A. In the fall of 66.
Q Do you know whether or not he has drawn money with the Delawares since he came to the Indian Territory? A Yes sir once.
Q Do you know whether or not he drew money with the Delawares while they lived in Kansas? A. No sir he didn't draw money until he was admitted as a Delaware.

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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 thereon.

Subscribed and sworn to before me this the 8 9th of July, 1901.

Commissioner.

9 Julia Kenney
vs
John Kenney

{ This c[illegible] the order
by d[illegible] Solicitor.

Executive Office Cherokee Nation.
Tahlequah Ind. Ter.

I, B. M. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy from the Circuit Court docket for Goweseeskee District Cherokee Nation, and all that said records show in regard to said case; that said records and Docket has been filed in this Office by law and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 24th day of February 1902.

B. M. Alberty
Assistant Executive Secretary,
Cherokee Nation.

"R"

Cherokee D 579

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John V. Kinney for the enrollment of himself as a Cherokee citizen.

Appearances:
R.B.Lawson and J.H.Keith,Nowata, I.T., attorneys for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorneys were notified by registered letter February 13,1902, that the application of John V. Kinney for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory on the 5th day of March,1902; receipt has been acknowledged of the Commission's letter, and on this day, to-wit: the 5th day of March 1902, the applicant appears in person and by his attorneys, Lawson And Keith, Nowata, I. T.

BY COMMISSION OF APPLICANTS' ATTORNEYS: Is there any statement you desire to make relative to this application?
BY MR. LAWSON: I don't believe there is any statement other than that I desire to file a brief on part of the applicant.
BY COMMISSION: The attorneys for the applicant present brief and same will be filed as part of therecord.
BY MR. HASTINGS: I desire to offer and file a decree of divorce. (Presents paper to applicants' attorneys.)
BY MR. LAWSON: We desire to enter our objection to the filing of the statement for divorce in thecase of Julia Kenney against John Kenney for the reason that it has not been shown that this party John Kinney is the party in question, in the divorce proceedings, when in fact he is not the defendant named in the certificate that the Cherokee Nation seeks to introduce here.
BY COMMISSION: There is offered in evidence by the attorney for the Cherokee Nation a decree of the court showing that divorce proceedings were had between Julia Kenney and John Kenney.
BY MR. HASTINGS: Let the record show John V. Kinney is recalled by the Cherokee Nation for additional cross-examination.

JOHN V. KINNEY, being first duly sworn and being examined by W.W.HASTINGS, testified as follows:
Q What is your name? A John V. Kinney.
Q What is your age? A 72 years old.
Q What is your post-office address? A Lenapah.
Q When were you first married? A '58.
Q Your first wife a Delaware Indian? A Yes sir.
Q What was her name? A Eliza Ketchum, first wife.
Q When did she die? A Died about '80.
Q Have you married again? A Yes sir.
Q What was your next wife's name? A Name was Sarah Chopley.
Q You living with her yet? A No sir.
Q How long did you live withher? A About three years.
Q Did she die? A Yes sir.
Q Did you live with her until her death? A No sir, she aint dead, we got a divorce.
Q You got a divorce fromher? A Yes sir.
Q Was she a Cherokee or a white woman or a Delaware? A She was a white woman I guess.
Q You married her since '80? A No, married her in, I don't recollect, in '70 I think.

Q Have you married since then? A No sir.
Q You have never married since you married that woman? A No sir.
Q That second wife was a white woman? A Yes sir.
Q Did you ever have a wife named Julia? A No sir, never had but the two wives.
Q Then the Julia in this divorce suit was not your wife? A No sir, I never had a wife by that name.
Q Where did this second woman get a divorce from you? A Claremore.
Q At the Cooweescoowee court? A Yes.
Q There was not but one got a divorce from you at the Claremore Court was there? A No sir.
Q And that was along in the '80s was it? A Yes, along in the '80s.
Q You know another John Kinney up in your district? A Yes sir.
Q Where? A On Caney.
Q Was his name John? A Yes, his name is John.
Q Well your wife got the divorce didn't she? A I don't know whether she got it or whether I got it.
Q You know who sued? A Yes sir, I sued.
Q You sued for the divorce? A Yes sir, I got the divorce.
Q Have you got a copy of it? A Yes sir.
Q Let me see it? A (Produces papers.)
Q This is the only divorce that was ever secured either by you or from you at Claremore? A Yes sir.
Q This second wife was a white woman? A Yes sir.
Q She was not a citizen of the Cherokee Nation? A No sir.
Q You are a white man? A Yes sir, but got all Indian rights.

BY MR. HASTINGS: The representatives of the Cherokee Nation by permission of the Counsel from the other side will withdraw the decree of divorce introduced in this case.

BY COMMISSION OF ATTORNEYS FOR APPLICANT: You consent to that?

BY MR. LAWSON: Yes, let them withdraw it.

BY MR. KEITH, of applicant:

Q Mr. Kinney, you were mistaken were you not as to the time that you obtained a divorce from your second wife, Sarah Kinney, when you said it was in the '80s? The certificate bears date of 1898? A Well I guess it was in '90 somewhere.
Q Do you know just when your first wife, Eliza Kinney died? A I don't recollect.
Q I will ask you if it was not sometime between 1893 and 1896? A Along in them years somewhere.

BY MR. KEITH: We desire to introduce a copy of the decree of divorce of Cooweescoowee District, Cherokee Nation, Indian Territory, upon docket number 218, case of John Kinney versus Sarah Kinney.

BY COMMISSION: Document will be filed and made part of the record.

The attorneys for the applicant and the representative of the Cherokee Nationpresent submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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

M D Green

Before the Honorable Dawes Commission, at Muskogee, I. T.

In the matter of John V. Kinney, applicant for enrollment as a Citizen of the Cherokee Nation.

APPLICANTS BRIEF.

The name of John V. Kinney appears upon the 1880 roll, and the 1896 roll, and also on the Delaware register roll of Febuary 18" 1867, the said register roll being the original register roll of Delawares who came to the Cherokee Nation in conformaty to the treaty made between the Cherokee and Delaware tribes of Indians.

The proof shows that prior to coming to ********** Cherokee Nation the applicant was admitted into the Delaware tribe of Indians as a member thereof and was recognized as a member of said tribe.

That in the spring of 1868, the applicant came to the Cherokee Nation under the said treaty between the said Cherokees and Delawares and has since resided in the Cherokee Nation.

In the treaty between the Cherokee Nation, by its duly authorized representatives and the Delaware tribe of Indians, by its duly authorized representatives, made the 8" day of April 1867, it was agreed that each individual whose name appeared upon the register made Febuary 18" 1867, by the Delaware Agent, and on file in the office of Indian Affairs and who should remove to the Indian Country in accordance with said agreement should have all the rights and priviledges of Citizens of the Cherokee Nation, a copy of which agreement can be found on page 397 of the Laws of the Cherokee Nation of 1892.

Now the name of John V. Kinney appears as number 169 on the said register roll and we contend that as his name so appears upon the said roll the Cherokee Nation cannot now contest his right.

It cannot be disputed that the applicant is a white man but said applicant was received by the Cherokees under the 1867 agreement, the same as the balance of the Delawares and paid for his rights in the Cherokee Nation the same as the full blood Delawares did.

In further considering this case we would refer to the case of THE CHEROKEE NATION AND THE UNITED STATES, APPELLANTS VS CHARLES JOURNEY CAKE, PRINCIPAL CHIEF OF THE DELAWARES, APPELLEE, which decision can be found in 155 U. S. SUPREME COURT REPORTS, page 120.

[illegible]
Attorney for applicant.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 14, 1902.

In the matter of the application of
John V. Kinney for enrollment as a
citizen of the Cherokee Nation by
intermarriage. Cherokee D. 579.

Brief on behalf of the Cherokee Nation.

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The applicant, John V. Kinney, is a white man; the testimony shows that he appears upon the roll of 1880 as an adopted white man; he obtained his rights by intermarriage in the Cherokee Nation by marrying a Delaware Indian citizen; he was separated from his wife, and he claims to have secured a divorce from her, but no record of this has been filed in the case. Since his separation from his first wife, however, he has married a white woman, not a citizen of the Cherokee Nation. And we contend that he has forfeited his right to be enrolled as a citizen of the Cherokee Nation because of this second marriage under Section 666 of the Compiled Laws of the Cherokee Nation, 1892. We earnestly contend that in as much as his name appears upon the roll of 1880 as an adopted white the Cherokee National Council determined his status at that time, as it had a right to do under the decision of the Supreme Court of the United States in the case of Roff vs Burney: And in as much as this roll was confirmed by the act of Congress of date June 28th, 1898, giving this Commission jurisdiction, that the Commission is powerless to go behind the roll or to change the status of any person so determined by the Cherokee National Council, and if his status was correctly determined in 1880 then his second marriage to this presentx wife would forfeit his right to be enrolled. It is quite clear that the applicant is a white man; he so testifies himself; it is quite clear that he was enrolled first because of his marriage to

his Delaware wife, and it makes no difference if the Delaware people paid in a plicant's pro rata share of the money in order that he might be enrolled along with the rest who came to the Cherokee Nation, the applicant was not of Delaware blood, but was permitted to be enrolled with the rights of a Delaware Indian because of his marriage with his wife, who was of Delaware blood. If, however, he had separated from his wife even under the Delaware laws he would have forfeited his right to be enrolled, because no Indian law of any tribe, so far as we know, permitted those connected with them by inter marriage after the death of the wife or separation from her to intermarry with a white woman, because in that event children born to them of that marriage in case the parents were still carried upon the roll would be children of white blood, and could not be classified. You could not enroll them as of Cherokee blood, neither could you enroll them as adopted whites, although they would be children of adopted whites. This man's status having been defined by the roll of 1880, and this roll having been confirmed, we contend that by his subsequent marriage he forfeited his right to be enrolled as a citizen of the Cherokee Nation by intermarriage.

Respectfully submitted,

Attorney for the Cherokee Nation.

Cherokee D 579

N.A.L.

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

In the matter of the application for the enrollment of John V. Kinney as a citizen by adoption of the Cherokee Nation.

D E C I S I O N.

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The record in this case shows that on October 15, 1900, John V. Kinney appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself as a citizen by adoption of the Cherokee Nation. Further proceedings in the matter of said application were had at Nowata, Indian Territory, on October 19, 1900, at Nowata, Indian Territory, June 24, 1901, and at Muskogee, Indian Territory, on March 5, 1902.

The evidence shows that the said John V. Kinney, a white man, an adopted Delaware, came with the Delaware Tribe of Indians to the Cherokee Nation according to the terms of the Cherokee-Delaware agreement of 1867, and his name appears upon the Register of the Delawares who removed to the Cherokee Nation. Under the terms of that agreement the said John V. Kinney became a member of the Cherokee Nation with the same rights and immunities as a native Cherokee. John V. Kinney is identified on the Cherokee authenticated tribal roll of 1880 and on the Cherokee census roll of 1896.

The evidence further shows that John V. Kinney, married first to a Delaware woman and then to a white woman from whom he secured a divorce, has lived in the Cherokee Nation ever since 1868.

It is, therefore, the opinion of this Commission that John V. Kinney should be enrolled as a citizen by adoption of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 3rd 1902.

In the matter of the application of John V. Kinney for enrollment as a citizen of the Cherokee Nation " BY ADOPTION"

Cherokee D 579.

Protest of the Cherokee Nation.

The Cherokee Nation respectfully desires to protest against the decision of the Commission to the Five Civilized Tribes rendered in this case on September 20th 1902 and asks that same be forwarded to the Honorable Secretary of the Interior for review.

The applicant, John V. Kinney, is a white man; the testimony shows that he appears upon the authenticated roll of eighteen hundred and eighty as an adopted white man; he obtained his rights by intermarriage in the Cherokee Nation by marrying a Delaware Indian citizen; he was separated from his wife and he claims to have secured a divorce from her, but no record of this has been filed in the case. Since his separation from his first wife however he has married a white woman, not a citizen of the Cherokee Nation and we contend that he has forfeited his right to be enrolled as a citizen of the Cherokee Nation because of this second marriage under section 666 of the compiled laws of the Cherokee Nation, 1892:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

We earnestly contend that in as much as John V. Kinneys name appears upon the authenticated roll of eighteen hundred and eighty as an adopted white the Cherokee National Council determined his status at that time, as it had a right to do under the decision of the Supreme Court of the United States in the case of Roff Vs Burney; and in as much as this roll

was confirmed by the act of Congress of date June 28, 1898, giving this Commission jurisdiction, that the Commission is powerless to go behind the roll or to change the status of any person so determined by the Cherokee National Council, and if his status was correctly determined in 1880 then his second marriage to this present wife would forfeit his right to be enrolled. It is quite clear that the applicant is a white man; he so testifies himself; it is quite clear that he was enrolled first because of his marriage to his Delaware wife, and it makes no difference if the Delaware people paid in applicants pro rata share of the money in order that he might be enrolled along with the rest who came to the Cherokee Nation, the applicant was not of Delaware blood but was permitted to be enrolled with the rights of a Delaware Indian because of his marriage with his wife, who was of Delaware blood. If, however, he had separated from his wife even under the Delaware laws he would have forfeited his right to be enrolled, because no indian law of any tribe, so far as we know permitted those connected with them by intermarriage after the death of thw wife or separation from her to intermarry with a white man, because in that event children born to them of that marriage in case the parents were still carried upon the roll would be children of white blood, and could not be classified. You could not enroll them as of Cherokee blood, neither could you enroll them as adopted whites, although they would be children of adopted whites. This mans status having been defined by the authenticated roll of eighteen hundred and eighty, which roll was confirmed by the act of Congress of June 28, 1898, we contend that by his subsequent marriage he forfeited his right to be enrolled as a citizen ofx the Cherokee Nation by intermarriage.

The Commission enrolls John V. Kinney as a citizen BY ADOPTION of the Cherokee Nation but is very careful not to classify him. What is he? Is he an adopted Delaware? He says he is not. Is he an adopted white man? If so he says that he has married a white woman, he has therefore forfeited his rights under Section 666 Compiled laws of the Cherokee Nation. The Commission says that his name appears upon the roll of 1880 and the census rolls of 1896 but the decision is not fair enough to say that he is on there as a white man and that he must have given his name to the census takers as a white man; recognized himself as a white man and was

as recognized by the constituted authorities of the Cherokee nation as a white man.

The decision of the Commission says that he became "a member of the Cherokee Nation with the same rights and immunities as a native Cherokee." What of it? Has not every single Intermarried white man whose name appears upon the 1880 roll the same rights and the Commission has confused the question of citizenship again with property rights.. The Commission is not now determining the question of property rights but the right of the applicant to be enrolled as a citizen of the Cherokee nation whether he gets five cents or five thousand dollars worth of property.

This man was adjudged a white man by the National Council when by solemn act it confirmed the roll of eighteen hundred and eighty. This act determined the status of John V. Kinney and he does not deny but that he is a white man..

Now in the event, as Kinney had married a white woman, suppose he should have had children as a result of this union, how would these children have been classified. The Cherokee Nation submits that under the law this man is not entitled to be enrolled. Every act of Congress authorising and directing this commission to make a roll of the citizens of the Cherokee Nation makes it imperative upon the Commission to respect all of the laws and usages and customs of this nation and certainly every law of the Cherokee nation is violated when this white man, of no delaware or Cherokee blood , having married a white woman is enrolled as a citizen of the Cherokee Nation.

Respectfully Submitted,

W. W. Hastings

Attorney for the Cherokee Nation,

Attest:

J. O. Starr

Stenographer.

Department of the Interior,

Commissioner to the Five Civilized Tribes,

In the matter of the application of John V. Finney, for enrollment as a Citizen of the Cherokee Nation.

Counter brief on part of the applicant.

The proof in this case does not show that the applicant entered his rights in the Cherokee Nation by marrying a Delaware Indian citizen.

The proof does show that the applicant was admitted to citizenship in the Delaware Tribe of Indians by the Council of the said tribe, that he was admitted while the Delaware Indians still resided in the State of Kansas and long before the said Delaware Indians moved to the Cherokee Nation.

[illegible] shows that the applicant was on the list of Delaware who removed to the Cherokee Nation in accordance with the treaty [illegible] Delaware were on the 27th day of April 1867.

[illegible] Commission to the [illegible] said treaty, [illegible] 305 of the Compilation of 1893 provides [illegible] as follows: "The Commissioner [illegible] in consideration of certain payments, [illegible] Council [illegible] committee mentioned agree to [illegible] the Delaware [illegible], a quantity of land equal to the [illegible] the Government [illegible] longitude in the Cherokee equal to 160 acres for [illegible] of the Delaware tribe, [illegible] on [illegible] made February 18th 1867 [illegible] on file in the [illegible] Indian Affairs, being a list of the Indians who elect to remove to the Indian Country." and again on page [illegible] said [illegible], to wit: "To the said Delawares, [illegible] payment, agreeable to the said [illegible], from the Delaware funds, now held or hereafter received by the United States, a sum of money equal to one dollar per acre for the whole amount of 160 acres of land for each individual Delaware who has already been recognized upon the roll made the February 18th 1867."

[illegible] under the said treaty that the applicant is entitled to enrollment as a citizen of the Cherokee Nation.

Respectfully submitted.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 579.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of John V. Kinney for the enrollment of himself as a citizen by adoption of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 59.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 579.

Muskogee, Indian Territory, October 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date September 20, 1902, granting the application of John V. Kinney for the enrollment of himself as a citizen of the Cherokee Nation, a copy of which said decision was furnished you on September 29, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

C. R. Breckinridge

~~Acting Chairman.~~
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-579

Muskogee, Indian Territory, January 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of John V. Kinney for enrollment as a citizen of the Cherokee Nation by adoption, was affirmed by the Secretary of the Interior on December 16, 1902.

Respectfully,

Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

John V. Kinney

FOR ENROLLMENT AS

CHEROKEE CITIZENS

IN THE MATTER OF THE APPLICATION OF

John V Kinney

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 10/15/00

B. Notice of application of 10/15/00

C. Supplementary testimony of 10/19/00

D. Receipt for fees

E. Supplementary testimony 6/24/01.

F. Letters relating to citizenship

G. Notice of final consideration 1/5/02

Last [illegible]

Applicants [illegible]

Suitable [illegible]

Cher D 580

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 13, 1900.

In the matter of the application of John Dawson for enrollment as a Cherokee by blood, being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A John Dawson.
Q What is your age? A 27.
Q What is your post office address? A Talala.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Your name appear upon the rolls of 1880? A On the 1896 roll.
Q What evidence have you got of your citizenship? A My father is has a certificate.

(Applicant presents a certificate of admission issued from the office of the Commission on Citizenship, on the 11th of January, 1883, signed by Thomas Teehee, President of the Commission, Alex Wolf and T. F. Thompson, Commissioners, attested by D. W. C. Duncan, Clerk of the Commission, and by John L. Adair, Assistant Executive Secretary of the Cherokee Nation, under the great seal of the Nation, certifying that F. M. Dawson was admitted to Cherokee citizenship on the 11th of January, 1883.)

Q What is your father's name? A F. M. Dawson.
Q Is he living? A Yes, sir.
Q What is your mother's name? A My mother is dead, Julia Ann.
Q When were you born, Mr. Dawson? A In 1871.
Q For whom do you want to apply for enrollment? A Just myself.
Q Are you the son of F. M. Dawson? A Yes, sir.
Q Are there two John Dawsons besides yourself? A Yes, sir.
Q Did you draw strip money? A Yes, sir.

(On 1894 roll, page 176, No. 1317, John Dawson, Coowescoowee district.)

The name of John Dawson appears upon the census roll of 1894. His name does not appear upon the authenticated roll of 1880, neither upon the census roll of 1896. He avers and makes satisfactory proof that he is the son of F. M. Dawson, whose name appears in the certificate of admission to citizenship as described in the testimony. Satisfactory proof has been made as to his residence, and he is fully identified as the son of the said F. M. Dawson. Because of the protest of the Cherokee Nation as to the enrollment of all persons admitted by the name of Dawson on said date, January 11, 1883, final decision as to the enrollment of said John Dawson will be suspended and his name will be placed upon a doubtful card.

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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 test mony 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 of October, 1900.

[illegible]
Commissioner.

To be filed in S. B-900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

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

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Oketma.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes sir.
Q When were you married to her? A I think it was the 5th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes sir.
Q A Minister of the Gospel? A Yes sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes sir.
Q Did you have any children by her? A Yes sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next chil ? A Elizabeth
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes sir
Q How are you related to him? A A brother.
Q Did you know his former wife, Julia? A Yes sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; they married in the states.
Q Do you know when he was married to her? A Yes sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Stardy.
Q Were you present when they were married? A Yes sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes sir, we call him, Ed Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife Julia? A Yes sir.
Q Do you know whether or not they were married? A Yes sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes sir.
Q Did you continue to know them for any long h of time afterwards? A I knowed them as long as she lived.
Q During the time you knew them did they live together as husband

2-F.M.D.

and wife? A Yes sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-835; John Dawson D-580; William R. Dawson D-581; Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

—o—

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

E. P. Rutherford

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 21st, 1902.

In the matter of the application of John Dawson for the enrollment of himself as a citizen by blood of the Cherokee nation.

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Supplemental to D-[illegible].

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Appearances:

A. S. [illegible], for Applicant.
W. W. Hastings for Cherokee nation.

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ALBERT H. DAWSON, being duly sworn, testified as follows:
Examination by Mr. [illegible].

Q. What is your name? A. Albert H. Dawson.
Q. Where do you reside? A. Afton, Indian Territory
Q. Do you know John Dawson? A. Yes, sir.
Q. How long have you known him? A. I have known him about 16 years.
Q. Where has he resided during that time? A. Why, he resided at Afton a part of the time and part of the time out in Nowata.
Q. He has resided in the Cherokee nation continuously during that time? A. Yes, sir.
Q. Still living in the Cherokee nation? A. Yes, sir.

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

Jesse O. Carr

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

[illegible]
Notary Public.

CHEROKEE.

John Dawson

Transferred to Choctaw
No 707-9

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Dec 1 1894

Cher D 581

D-581

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 15, 1902.

In the matter of the application of William R. Dawson for the enrollment of himself and wife, Fannie L. Dawson, as Cherokee by blood; being sworn and examined by Board Attorney Moulton, he testified as follows:

Q What is your name? A William R. Dawson.
Q What is your age? A 34.
Q What is your post office address? A Tahlequah.
Q In what district do you live? A Goingsnake.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q For whom do you apply for enrollment? A Me and my wife, Fannie L. Dawson.
Q Is she a citizen by blood? A Yes, sir.
Q What was her name before you married her? A Fannie L. Foreman.
Q Have you any certificate of marriage? A Yes, sir.
(Applicant presents a certificate of marriage certifying that he was married according to the laws of the Cherokee Nation to one Fannie L. Foreman on the 22d of December, 1896, no marriage license being presented.)
Q Have you any children? A No, sir.
Q How long have you lived in the Cherokee Nation? A Ever since 1883.
Q By what right do you claim citizenship? A By blood.
Q By admission? Your name doesn't appear on the roll of 1880? A No, sir.
(Applicant presents a certificate of admission issued by the authorities of the Cherokee Nation on the 11th day of January, 1883, the said certificate being signed by Thomas Taylor, President of the Commission, Alex Wolf, T. F. Thompson, Commissioners, certified to and attested and endorsed by D. W. C. Duncan, Clerk of the Commission, and John L. Adair, Assistant Executive Secretary of the Cherokee Nation, under the great seal of the Nation. In said certificate ~~[illegible]~~ appears the name of F. M. Dawson. The name of applicant, William R. Dawson, does not appear.)
Q Who was your father? A F. M. Dawson.
Q Are you the son of the identical F. M. Dawson mentioned in the certificate that you present? A Yes, sir.
Q When were you born? A In 1868.
Q Why was your name not in the certificate of admission? A I was a minor at that time.
Q How long have you lived in the Cherokee Nation? A Ever since 1883.
Q Continuously? A Yes, sir.
Q Live here now? A Yes, sir.
Q Is Fannie L. Foreman your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
(William R. Dawson on 1896 roll, page 743, No. 696, William A. Dawson, Going Snake district.)
Q How old is your wife? A 24.
(Fannie L. ~~[illegible]~~ Dawson on 1880 roll, page 451, No. 669, Fannie Dawson, Going Snake district; on 1896 roll, page 748, No. 828, Fannie Foreman, Going Snake district.)
Q Your wife living now? A Yes, sir.
Q Living with you? A Yes, sir.

The name of William R. Dawson appears upon the census roll of 1896as William A. Dawson. He presents satisfactory proof as to his admittance, more particularly described in the testimony; also satisfactory proof as to his residence. He states that he was married to one Fannie L. Foreman, a Cherokee citizen by blood, and presents

William M. Freeman - 2.

[illegible] said Fannie L. Freeman, [illegible] as well as the Cherokee Nation [illegible] as to her residence.

Now, therefore, the said Fannie L. Freeman, and Freeman, will be duly listed for enrollment by this Commission as a Cherokee citizen by blood.

Pending the present of the Representative of the Cherokee Nation as to the enrollment of said William M. Freeman, final decision as to his enrollment will be suspended and his case will be placed upon a doubtful card.

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Bruce S. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes, correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of [illegible] above entitled.

Subscribed and sworn to and subscribed before me this the 15th day of October, 1900.

Commissioner.

To be filed in C. D-681.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

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

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma
Q What was the name of your wife? A My first wife was Julia Ann Howard
Q She was a white woman? A Yes sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes sir.
Q A Minister of the Gospel? A Yes sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes sir.
Q Did you have any children by her? A Yes sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next chil ? A Elizabeth
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes sir
Q How are you related to him? A A brother.
Q Did you know his former wife, Julia? A Yes sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; they married in the states.
Q Do you know when he was married to her? A Yes sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 38 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife Julia? A Yes sir.
Q Do you know whether or not they were married? A Yes sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes sir.
Q Did you continue to know them for any leng h of time afterwards? A I knowed them as long as she lived.
Q During the time you knew them did they live together as husband

9

S.F.N.D.

[illegible] the community as such? A. Everybody [illegible]

[illegible] filed with and made a part of the record [illegible] cases:
[illegible] John Dawson D-[illegible]; William A. Dawson [illegible] and Fredric M. Dawson, Jr. D-[illegible].

—o—

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

E. Rothenberger

CHEROKEE. D.

William R Dawson.

Transferred to Cherokee
7-10-30

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Dec'd. 1911

Cher D 582

Wife ~~and child~~ Delaware.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15, 1900.

In the matter of the application of Edward Clayton Bolen for the enrollment of himself, wife and child as Cherokee citizens, his wife ~~and child being~~ of Delaware blood; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Edward Clayton Bolen.
Q How old are you? A 29
Q What is your post-office? A Nowata.
Q In what district do you live, Coowescoowee District? A Yes sir.
Q Who is it you want to have put on the roll, yourself and fa[illegible]
A Yes sir.
Q Your wife? A Yessir.
Q And how many children? A One.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q What is your wife, Cherokee by blood? A Yes sir, Delaware
Q Let me see your marriage license and certificate? A I have two; (produces papers) I have been married twice.
Q This is the first one? A Yes sir.
Q Com'r: The applicant presents duly authenticated license issued by the Clerk of Coowescoowee District February 17th 1894, authorizing his marriage to Mrs. L. L. Bolen nee Lola Smith; the certificate shows they were married in accordance with said license on the 23rd of the same month and year, by the Rev. Isaac Brown; this paper is filed herewith.
Q Now this wife ~~xx~~ was a Cherokee; you had been previously married to her under United States law, had you not? A Yes sir.
Q And this was a re-marriage under Cherokee law? A Yes sir.
Q When had you married her under United States law? A The 7th of August before.
Q How long did you live with this wife? A About a year and a half.
Q Is she dead now or alive? A No sir, I think she is married again.
Q When did you get a divorce from her? A Yes sir.
Q Have you a copy of the decree of divorce? A No sir, we compromised it.
Q You haven't a decree of divorce? A No sir.
Q You just separated? A Yes sir, we had it in Court, and it was compromised; I don't understand it well enough to explain it.
Q Have you lived in the Cherokee Nation ever since your marriage in Feb. 1894? A Yes sir.
Q Was your former wife, Lola Smith, a native of the Cherokee Nation? A Yes sir.
Q Did she live there all her life? A Yes sir.
Q What is the name of her father? A John Smith.
Q Is he dead or alive? A Dead.
Q What is the name of her mother? A Sallie.
Q Is she dead? A No sir.
Q Now let me see your second marriage license? A Produces papers.
Com'r: The applicant also presents license issued by the Clerk of the United States Court for the Northern District of the Indian Territory authorizing marriage between himself and Miss Minnie Connor; the certificate shows that they were united in marriage by the clerk on the same date as the license; this is filed herewith.
Q Now is this your present wife a Cherokee or a white woman,- she is a Delaware you say? A She is a Delaware, yes sir.
Q How old is she? A 22
Q Has she lived in the Cherokee Nation all her life? A Yessir
Q She was never married except to you? A Yessir.

Q She was marri d before? A Yes sir.
Q Then she is improperly named in the license as Miss Connor?
A Yes sir.
Q Who was she married to before she married you? A Adam Swope.
Q He a white man? A Yessir.
Q Is he dead or alive? A Living.
Q Did she get a divorce from him? A Yes sir.
Q Have you a copy of the decree of divorce? A Yes si , I have it at home.
Q This child that you speak of, isit a child of your first wife? Yes sir.
Q What is the name of the father of your present wife? A Alex Connor
Q Is he dead or alive? A Dead.
Q Give me the name of her mother? A Elizabeth.
Q Is she dead? A Yes sir.
Q How was your wife enrolled in 1896, as Swope or Connor?
A Swope.
Q Give me the name of your child? A Harry Orlando.
Q How old is that child? A 5 years old.
Q Livingnow is he, A Yes sir, I have the guardian papers for him.
Q It is your own child. A Yes sir.
Q The child is living with you? A Yes sir; he is und r my control he is not living with me.
Q Where is he living? A In Missouri.
Q Is he living with his mother? A No sir.
Q You w re granted the custody of the chi d when you separat d from your first wife? A Yes sir.
Q In that separation did you leave her or did she leave your
A She left me, and left the child alone.
Q What was the occasion of her leaving you? A Said I didn't treat her right, said I didn't support her.
Q Did she allege abuse on your part, ~~xx in xxxx~~ toward her?
A No sir, said I didn't do right.
Q What did she mean by not doing right, that you were abusing her and unkind to her? A Yes sir, she alleged that I abused her, an' non-support.
Q I suppose her allegation was that you compelled her to leave by unkindness and non-sup port? A Yes sir, I reckon.
Q How old is your first wife now? A I don't remem er, 25 or 6.
1880 roll for former wife, page 172 #2536 as L. N. Smith Coos a-scoowee District Adopted Delaware;
Q She wa~~xxxx~~ a Delaware was she. A Delaware.
1880 roll for present wife page 83 #811 Minnie Conner Cooweescoowee adopted Delaware 2 years old.
Q When was your present wife divorced from her husband Swope?
A About a year before we were married
Q When was she married to him A They only lived togeth r about a year and a half.
Q She was never married to anybody but Swope and you? A No sir.
1896 roll examined for the present wife, and name not found;
1896 roll for child ~~xx~~ and found to have been enrolled by mother.

MINNIE BOLEN, being sworn and examined testified;

Q Give me your full name. A Minnie Bolen.
Q How old are you? A 22 years old.
Q You are the wife of the applicant here, Edward C. Bolen? A Yes sir.
Q And your maiden name was Smith was it. A No sir, Connor.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Have you lived here all your life? A Yes sir.
Q Where were you in 1896? A I don't know, I suppose my father inlaw enrolled me.
Q You were in the Cherokee Nation? A Yes sir.

Testimony of Minnie Nolen continued:

Q Y. never made your home outside the Cherokee Nation?
A No sir.
Q You were married before you married your present husband
A Yes sir.
Q Have you a copy of the decree of divorce from your former husband? A Yes sir, but I haven't it with me.
Q You have it at home. A Yes sir.
Q You were divorced before you married this husband? A Yes sir.

Com'r Rockbridge: The applicant applies for the enrollment of himself, his wife and one child; the child being by a former wife; it is found that the child has already been enrolled and so no action will be taken in regard to its application at this time; his present wife is enrolled in 1880 but is not identified on the roll of 1896; but she has lived in the Cherokee Nation all of her life; she is a Delaware, and will be listed now for enrollment as a Cherokee-Delaware, as Minnie Nolen, her present name being established by the marriage license and certificate filed herewith;

The applicant is a man who has married his former wife in 1896; he states that he has lived in the Cherokee Nation ever since his marriage at that time; the Cherokee marriage license and certificate relating to this marriage are filed herewith, and this wife is identified on the roll of 1880 as a native Cherokee; he states that they lived together only a year and a half, when they separated; he presents no copy of the decree of divorce at this time; his application for enrollment will be placed upon a doubtful card to await official evidence of his divorce from his first wife; and evidence of its being upon satisfactory grounds; he is desired also to present the Commission with a copy of the decree of divorce of his present wife from her former husband; the final decision in the applicant's application for his own enrollment will be made known to him at his post-office address.

M. 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. Green

Subscribed and sworn to before me this 15th day of October 1902.

Commissioner.

SUPPLIMENTAL.
Department of the Interior,
Commission to the Five Civilized Tribes,
D-582. Claremore, I. T., October 23rd, 1900.

In the matter of the application of Edward C. Bolan for enrollment as a Cherokee citizen. LORENDA E. CLARK being sworn in said cause testified before the Commission as follows:

What is your name? A Lorenda E. Clark.
Q How old are you A 24.
Q What is your postoffice? A Nowata.
Q You wish to give some testimony inregard to Edward C. Bolan, Mr. Baugh will examine you.
By Cherokee Representative Baugh-
Q What relation did Edward C. Bolan have with you in 1893? A He was my husband.
Q When did you separate? A November 15th 1894.
Q Give the stenographer the grounds of your separation. A Desertion.
Q Did he leave you? A Yes sir. Q Was there any cause for his deserting you? A No sir. Q Did you and he always live together as husband and wife in good faith A Yes sir.
Q I see that you have signed an agreement here, now what was the reason for your signing it? A The main thing was that we had spent most of our means in fighting this case and I thought it best to settle it in some way. My mother is a widow and we had about used up all we had in fighting the case.
Q Was it your understanding that you were to have a divorce? A Yes
Q That he was to have the custody ofthe child? A The present custody you might call it and that I was to have a divorce and get the child afterwards.
Q Did you withdraw the charge of abandonment when you signed this? A No sir, the case was to stand just as it was.

By the Commission ( The Commission is not much disposed to go behind the record) Q. Do you mean to say that there was forgery practiced in getting up this instrument, that there were other statements and agreements inserted in it after you had signed it? A No I don't exactly say that.
Q Did you read it before you signed it? A Yes sir, but my husband never lived up to his part of the agreement, he kid-napped the child from me in 1894 and has never brought it back.
Q As I understand it, this is a compromise and he has not lived up to his part of it as you claim? A Yes sir.
Q The court has never granted the divorce on this agreement has it? A Yes sir the divorce was granted.
Q Have you a copy of the decree of divorce? A No sir.

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 entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. von Weise.
Subscribed and sworn to before me this the 24th of October, 1900.
M.D.Green
(SEAL) Notary Pub.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy and that the foregoing is a true and complete copy of the original.

Subscribed and sworn to beforeme this 14th of April, 1903.

Notary Public.

"R"

Cherokee D 582

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Edward C. Bolen for enrollment as a Cherokee citizen.

Appearances:
E.B.Lawson, Nowata, I. T., attorney for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March,1902; receipt has been acknowledged of the Commission' letter, and the applicant this day, to-wit: the 5th day of March,1902, appears in person and by his attorney, E.B.Lawson, of Nowata, I. T.

EDWARD C. BOLEN, being first duly sworn and being examined testified as follows:

BY MR. LAWSON:

Q State your name? A Edward Bolen.
Q You were formedly married to Lola Smith, or Lola Bolen were you not? A Yes sir.
Q Is she dead? A No sir.
Q Were you divorced from her? A Yes sir.
Q In what court? A In the Court at Claremore.
Q The Cherokee court? A Yes sir.
Q There was a stipulation for settlement of that divorce between yourself and Mr. Bolen? A Yes sir.
Q Was that stipulation signed by both you and your wife? A Yes sir.
Q You have examined this stipulation, is that certified copy of or is that a copy of the stipulation that was entered into between you and your wife? (Shows applicant paper.) A Yes sir. (Hands paper to Mr. Hastings.)
Q I will ask you if the divorce was granted on that stipulation? A Yes sir.
Q You have one of the children have you? A Yes sir.
Q What is its name? A Harry Orlando Bolen.
Q Then that stipulation filed, the divorce was granted on that you say? A Yes sir.

MR.HASTINGS waives cross-examination.

BY MR. HASTINGS: Cherokee Nation offers in evidence a certified copy of decree of divorce.

BY COMMISSION: The document will be filed.

BY MR. LAWSON: We submit the case and I desire to file brief.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant also fiels brief, one copy with the Commission andone copy with the representatives of the Cherokee Nation.

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M.D.Green 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

Before the Honorable Dawes Commission, sitting at Muskogee, I. T.

In the matter of the application for enrollment as a Citizen of the Cherokee Nation of Ed. Bolen.

Applicants Brief.

The only contention in this case is as to the divorce between applicant and his former Wife, Lola Bolen.

It seems that Lola Bolen the former Wife of applicant, Ed. Bolen sued applicant for divorce in the Cherokee courts alleging cruel treatment, but never at any time or place alleging abandonment.

The applicants filed with this Commission an agreement in the said divorce case wherein it was agreed that a divorce should be granted and that applicant should have the care and custody of the Child, Harvey Bolen, and the Wife, Lola Bolen should have the care and custody of the other Child, and that all charges of cruel treatment, and prayer for alimony should be withdrawn.

It seems to us that the record of the agreement is the best evidence that could be introduced in this case and we would respectfully call the attention of the Commission to it.

We do not see how anyone can successfully contend that the applicant is not entitled to enrollment as he has fully complied with all intermarriage Laws of the Cherokee Nation.

Attorney for applicant.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I. T., April 14th, 1902.

In the matter of the application of
Edward C. Bolen for enrollment as a
citizen of the Cherokee Nation by
intermarriage. Cherokee D. 582.

Brief on Behalf of the Cherokee Nation.

-:-:-:-:oOo:-:-:-:-

The applicant claims a right to be enrolled as a citizen of the Cherokee Nation through his marriage to his first wife in 1893 or 1894. They were separated on November 15th, 1894, when the testimony of his divorced wife shows that he deserted her. She brought suit for divorce against him in the Circuit Court of Cooweescoowee District, and among other grounds for a divorce she alleged abandonment; her suit had been pending in that court for some time, and she being of meagre means agreed, and entered into a stipulation to that effect, to withdraw a number of the charges in order that a divorce might be granted her without additional expense. But she swears unequivocally now that her husband deserted her; and it makes no difference if she did withdraw this charge at the time she secured the divorce, if he actually abandoned her then by said such abandonment he forfeited his right to be enrolled as a citizen of the Cherokee Nation. He got his rights, if any, through this woman, and it was his duty to live with and support her, and by his abandonment of her he lost any claim to be enrolled as a citizen of the Nation. The Commission understands that the Cherokee Nation has some interest from this woman in the enrollment of this man, and it makes no difference if she were to agree to his enrollment, if he actually abandoned her, he would not be entitled and the Cherokee Nation would not submit to it. The testimony shows that she did sue him for divorce; that she at one time alleged abandonment, and

that for the reasons stated in order that there might be a speedY settlement of differences she withdrew it, and as a matter of compromise. But that did not affect its truth, it that she did secure a divorce in pursuance of that stipulation: that she swears that he abandoned and deserted her, and this is not even contradicted bY the applicant himself.

Wherefore the Cherokee Nation claims that this man ought not to be enrolled under the law.

RespectfullY submitted,

AttorneY for the Cherokee Nation.

W H M.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of Edward G. Bolen as a Citizen of the Cherokee Nation by intermarriage.

Counter brief on part of the applicant.

The Cherokee Nation contends that applicant should not be enrolled for the reason that he deserted his first wife, a Cherokee Citizen; that said first wife has sworn that applicant deserted her and that this statement was not contradicted by applicant.

Now the truth of the matter is as shown by the evidence introduced is that the applicant did swear as follows; "Ques:- In that separation did you leave her or did she leave you? Ans.:- She left me and left the child alone." now the only controdiction of this is the statement of the divorced wife to the contrary.

We would most respectfully call the attention of the Commission to the stipulations on file herein in the divorce suit of ~~[illegible]~~ Lola Bolen VS Ed. Bolen, now among the statements in said stipulation is the following; "The party of the second part in consideration of the relinquishment of all claims by the party of the first part to the property sued for in said suit and the withdrawal of all charges of cruel treatment and abusive language, and abandonment, and custody of the child, Harvey Bolen, agree to consent to the party of the first part having a divorce and the custody of the child, Adenie Bolen. the party of the first part to have the divorce without prejudice to the rights of Citizenship of either."

Now we contend that the said divorced wife should never have been allowed to have contradicted the record in the said case by any verbal testimony, and we certainly contend that the record in the case is the best evidence.

We therefore think that the applicant should be enrolled as a Citizen of the Cherokee Nation.

Respectfully submitted.

Attorney for the Applicant.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 20th, 1902.

In the matter of the application of Edward C. Bolen for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-888.

Cherokee Nation appears by J. C. Starr.

EDWARD C. BOLEN, being duly sworn, testified as follows:--
Examination by the Commission.

Q. Your name is Edward C. Bolen, is it? A?. Yes, sir.
Q. How old are you? A. 31.
Q. What is your post office? A. Nowata.
Q. Are you a white man? A. Yes, sir.
Q. Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A. Yes, sir.
Q. What is your wife's name? A. Minnie Conner.
Q. That was her name when you married her? A. Yes, sir. She was a widow when I married her. That was her maiden name.
Q. Is she a Cherokee by blood? A. Yes, sir; Delaware.
Q. How long has she been living in the Cherokee Nation?
A. She was born here.
Q. When were you married to her? A. Three years ago next January.
Q. Is she the wife through whom you claim citizenship?
A. No, sir; my first wife.
Q. Who was your first wife? A. Lola Smith.
Q. Was she a Cherokee by blood? A. Delaware.
Q. She was a Delaware also? A. Yes, sir.
Q. Had she lived in the Cherokee Nation all her life? A. Yes, sir
Q. When were you married to Lola Smith? A. '94.
Q. Were you married to her under a Cherokee marriage license?
A. Yes, sir.
Q. How long did you live with her? A. About a year and a half.
Q. Did she die? A. No, sir.
Q. Were you divorced? A. Yes, sir.
Q. Who brought suit for divorce? A. She did.
Q. Have you got a copy of the decree? A. No, sir; the Dawes Commission has it.
Q. Where were you divorced; what court? A. At Claremore.
Q. Had you been separated long before you were divorced? A. Yes, sir; I believe something like a year and a half.
Q. What was the cause of the separation? A. We just couldn't get along.
Q. She couldn't get along with you and you wouldn't get along with her, is that it? A. Yes, sir.
Q. Did you leave her or she leave you? A. She left me.
Q. Did you ever give her any cause to leave you? A. No, sir.
Q. Always a kind, indulgent husband, were you? A. Yes, sir.
Q. You properly provided for her? A. Yes, sir.
Q. She went away and left you? A. Yes, sir.
Q. Then she sued for a divorce and got it? A. Yes, sir.
Q. Did you appear to defend the divorce? A. Yes, sir.
Q. What grounds did she allege in her suit? A. Cruel, mistreatment and non support.
Q. Were you guilty of those things? A. No, sir.

Q. Were you divorced from your first wife when you married the second one? A. Yes, sir.
Q. What is your second wife's name? A. Minnie.
Q. You say your wife Minnie had been married before you married her? A. Yes, sir.
Q. Was her first husband dead when you married her? A. No, sir.
Q. Were they divorced? A. Yes, sir.
Q. Divorced before you married her? A. Yes, sir.
Q. Have you been living in the Cherokee Nation ever since 1894?
A. Yes, sir.
Q. Have you got any family? A. Yes, sir; one child by my first wife.
Q. Is that child living with you? A. Yes, sir.
Q. Did you get the custody of that child? A. Yes, sir.
Q. The court gave you the custody of that child, did it?
A. Yes, sir.
Q. And it has been living with you ever since it was born?
A. Yes, sir.

Examination by Mr. Starr.

Q. Where did you and your wife live while you were living together?
A. First wife?
Q. Yes. A. Four miles west of Nowata.
Q. Were you on a farm? A. Yes, sir.
Q. Who owned that farm? A. Robert L. Owen.
Q. How long did you live on that farm? A. Lived there something over a year.
Q. Were you living there when the separation took place?
A. Yes, sir.
Q. When was it that you separated from her? A. We was married in '94 and lived together about a year and a half.
Q. What did you say wasthe cause of this separation? A. We just didn't get along. She wasn't much of a hand to work and keep house and wanted to move to town. I never lived in town and didn't think I could make a living if I was there.
Q. She wanted to move to town and you wouldn't go? A. No, sir.
Q. Didn't have a bit of trouble before the separation?
A. Just family trouble. Never abused her.
Q. How long did this trouble come on before the separation?
A. About 3 or 4 months.
Q. Who kept the place after the separation? A. I did.
Q. How long did you stay there? A. About 2 or 3 years.
Q. Where did she go after the separation? A. To her mother.
Q. Her mother was living in town? A. Yes, sir.
Q. As a matter of fact didn't she allege abandonment on your part in that divorce suit? A. No, sir; I don't believe she did.
Q. Wasn't you summoned to court to show cause why your citizenship should not be forfeited? A. No, sir.
Q. Was that not the reason that this compromise was made—to keep you from losing your citizenship? A. No, sir; she couldn't get the divorce without my consent.
Q. Did she go into court? A. Yes, sir.
Q. Take testimony? A. Yes, sir.
Q. Well, do you know whether they ever had a trial of that?
A. On the divorce?
Q. Yes. A. Did we ever have a trial?
Q. Yes, sir; ever have a trial? A. No, sir; I don't know as there was. It was called up in court a time or two. At one time she wasn't there.
Q. Was anyone else living with you at the time the separation took place? A. No, sir.

[illegible]

[illegible]

Subscribed and sworn to before me [illegible]

[illegible]

Notary Public.

ATTORNEYS:
L. B. Bond,
W. W. Hampton,
James S. Davenport,

J. C. Strauss, Sec.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

C. D. 582

B. W. Albertv. Esq..

Tahlequah. I. T.

Dear Sir:

Please examine the records of the Circuit Court of Cooweescoowee District and send us a certified copy of the decree of divorce between Lorenda E. Bolen and her ~~xxxxxxxx~~ husband, Edward C. Bolen. Send us all the records You have touching this case. The divorce was granted since November. 1894.

Yours truly.

IN THE MATTER OF THE APPLICATION OF

Edward Blanton Baker

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

OCT 25 1907

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 583

NO CHECKMAN

Doubtful as to applicant;

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 19, 1906.

In the matter of the application of Ace A. Hedrick for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Ace A. Hedrick.
Q How old are you? A 37 I think.
Q What is your post-office? A Kansas, Kansas.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll. A Wife and children; myself, I am not prepared exactly.
Com'r: You can apply and we will see how you come out.
Q How many children? A 3.
Q You are not a Cherokee by blood? A No sir, white man.
Q Your wife is a Cherokee or a Delaware? A Cherokee.
Q Let me see your license and certificate of marriage? Produces papers.
Just the United States license is all I have got; I sent for the others but they haven't come.
Q Were you ever married according to Cherokee law? A Yes sir, in 1893.
Q Married to this wife? A This wife.
Q And you have lived with her ever since you were married to her in 1893? A Yes sir.
Com'r: The applicant presents license issued by the clerk of The United States Court for the First Judicial Division of the Indian Territory on February 9th 1893, authorizing his marriage to Miss Rebecca Morgan; the certificate shows that they were married in accordance with said license on February 12th of the same year by the Rev. E. M. Kirkpatrick; this document is filed herewith.
Q Now you say you were subsequently married according to Cherokee law the same year. A Yes sir.
Q And you and your wife have lived together and in the Cherokee Nation ever since your married in 1893? A Ever since.
Q Give me now the name of your wife. A Rebecca Hedrick.
Q How old is she? A 25
Q She was never married except to you? A No sir
Q You were never married except to her? A No sir
Q Was she born in the Cherokee Nation? A She was.
Q Lived here all her life. A All her life.
Q Give me the name of her father. A Mark Morgan.
Q Ishe dead? A He is alive.
Q Give me the name of her mother? A Cynthia.
Q Is she living or dead? A Dead.
Q Give me the names of your children? A Minnie E.
Q How old is that child? A 5 yearsold.
Q Next child? A Joanna.
Q How old is she? A 3.
Q Next child? A Morgan.
Q How old is he? A He will be a year old next month.
Q These children are all living now? A Yes sir.
1880 roll page 34 #932 Rebecca Morgan Canadian District native Char;
1896 roll page 88 #115 Ace Hedrick Canadian Dist;
1896 roll page 83 #917 Rebecca A. Hendricks "
1896 roll page 33 #9 18 Minnie E. Hendricks, "

Com'r Breckinridge: The applicant applies for the enrollment of himself and his wife and three children; His wife is identified on the rolls of 1880 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life and she will be listed for enrollment as a Cherokee by blood; of the three children the

eldest is identified on the roll of 1896 with her parents; she is living~~now thereto~~ and will be listed for enrollment as a Cherokee by blood. When the Commission is supplied with certificates of birth of the two younger children, Joanna and Morgan, these children will also be listed for enrollment as Cherokees by blood; the applicant is shown to have married his wife in accordance with United States law in February 1898; the license and certificate are filed herewith; he states that in the same year they were married in accordance with Cherokee law, but he is not able to supply the Commission with official evidence of that fact at this time; he states that he has ~~xxxxx~~ lived with his wife ever since their marriage, and he is identified on the roll of 1896; he will now be listed upon a doubtful card as a Cherokee by intermarriage, and he is desired to supply the Commission with either the original or an official copy of his ~~xxxxxxxxxx~~ Cherokee license and certificate.

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 15th ~~day of October~~ 1900.

Commissioner.

Cherokee D 583

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Asa A. Hedrick for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 15,1900, Asa A. Hedrick appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Rebecca Hedrick, and his minor children Minnie E., Joanna, and Morgan Hedrick as citizens by blood of the Cherokee Nation.

Upon the evidence submitted in support of the application Rebecca Hedrick and her said minor children Minnie E., Joanna and Morgan Hedrick were listed for enrollment on Cherokee Card, Field No. 4388. The evidence in this case shows that Asa A. Hedrick is a white man; that he was married in accordance with the Cherokee tribal laws on February 12,1893 to Rebecca Morgan, a citizen by blood of the Cherokee Nation, who is duly identified on the authenticated tribal roll of 1880. The applicant is identified on the Cherokee Census roll of 1896.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress June 28, 1898 (30 Stats.,495).

It is therefore the opinion of this Commission that Asa A Hedrick is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the

application for his enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] Commissioner.

[illegible] Commissioner.

C. R. Breckinridge Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 20 1902

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON T. AY ESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D - 583.

Muskogee, Indian Territory, May 21, 1902.

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

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Asa A. Hedrick for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-583.

IN THE MATTER OF THE APPLICATION OF

Asa A. Hedrick

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A Original testimony of 10/15/00.
B Memo. of application of 10/15/00.
C Certified copy of marriage license and certificate

[illegible]

See jacket #11338

Cher D 584

2584

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 15 1900

ACTING CHAIRMAN.

Department of the Interio,
Commission to the Five Civilized Tribes,
Nowata, I. T. Octo., 15th 1900.

In the matter of the application of Andrew C. Atkins, for the enrollment of himself, wife and child as Cherokee Citizens. He being duly sworn by the Commission testified as follows-

Q. How old are you? A. 40.
Q What is your post office address? A. Nowata.
Q. What district do you live in? A. Coowescoowee.
Q Are you a recognized citizen of the Cherkee Nation? A. Yes sir.
Q By blood or intermarriage? A. Intermarriage.
Q For whom do apply? A. Myself, wife and [redacted] child[redacted]
Q What is the name of your wife? A. Lizzie.
Q. What was her name before you married her? A. Lizzie Dawson.
Q How old is she? A. 27.
Q What is the name of her father? A. F. M. Dawson.
Q What is the name of her mother? A. I dont know.
Q Is F. M. living? A. Yes sir.
Q You dont know the name of your wifes mother? A. No sir.
Q Have you any sertificate of your marriage? A. The Dawes Commission has my marriage.
Q When were you married? A. 29 day of March 1891.
Q You say that your certificate is in the hands of the Dawes Commission? A. Yes sir.
Q When was it sent there? A. Fall of 1897, to Fort Gibson.
Q Is your wife a Cherokee by blood? A. Yes sir.
Q. What is the name of your children? A. Arthur, age 6 years old. Edna E., 5 years old; Edward C. 3 years old and George S.F., born the 6th of August.
Q Have you any proof as to the birth of these children? A. Yes sir. Applicant presents certificate as to the birth of his two children whose names are not enrolled on the 1896 census roll.
Q Have you any person here who knows that you were married? A. Yes sir.
Q Who? A. F. M. Dawson there knows about it.

F. M. DAWSON being called and sworn by the Commission testified in the above entitled cause as follows-
Q. What is your name? A. F. M. Dawson.
Q. What is your age? A. 58.
Q What district do you live in? A. Deleware.
Q Do you know Andrew C. Atkins here? A. Yes sir.
Q Do you know his wife? A. Yes sir, she is my daughter.
Q Are they married? A. Yes sir.
Q Did you see them married? A. No sir, was not present when he was married but saw his marriage license.
Q Were they married according to the laws of the Cherokee Nation? A. Yes sir.
Q About when was it that they were married? A. I dont remember exactly.
Q Was it before 1895? A. Yes sir.
Q Has he been living with his wife continuously ever since ? A. Yes.

Applicant presents a certificate of admission to Cherokee citizenship dated at Tahlequah, January, 11, 1883, signed by Thomas Teehee, President of the Commission and by Elick Wolf and T. F. Thompson Commission ray certified to by D. W. C. Duncan, clerk of the Commision and attested to by John N. Adair assistant Secretary of the Cherokee Nation with the great seal of said Nation thereon, certifying that among others that ones Lizzie Dawson was admitted to citizenship in the Cherokee Nation on the 11th day of January, 1883.

Q You say that your wifes father was named F. M. Dawson? A. Yes sir.
Q Is he the same and identical F. M. Dawson who is identified in this certificate? A. Yes sir.
Q.Q Is your name or that of your wife upon the 1896 census roll?
A. No sir.

Andrew C. Atkins 2.
Q Why didnt you and your wife get on the 1896 census roll? I dont know except that they said that we did not have our papers in shape to satisfy them here.
Q Did you draw the strip money? A. Yes sir.
1894 roll, page 133, No. 149, Lizzie Atkins, Cooweescoowee
1894, " " 138 " 150, Arthur Atkins, "
Q How long have you lived in the Cherokee Nation? A. 10 years
Q. Been living here continuously all that time ? Yes sir all except when I went off on a visit.
Q How long has your wife lived in the Cherokee Nation? A. Since 1883

The name of Andrew C. Atkins does not appear on the census roll of 1896. He states that he was married to his wife, Lizzie Atkins in 1881, and that his certificate of marriage is in Muskogee with the Dawes Commission. He has made satisfactory proof, however, as to his marriage to his wife whose maiden name was Lizzie Dawson. The name of his wife Lizzie Atkins does not appear on the census roll of 1896, but does appear on the pay roll of 1894. He avers that she is the daughter of F. M. Dawson and presents a certificate of her admission to Cherokee Citizenship in 1883, a more particular description of said certificate being found in the testimony. The name of their oldest child, Arthur appears upon the pay roll of 1894 but does not appear on the census roll of 1896, neither do the names of any of his other children, Edna E., Edward C. or George J. F. He presents sufficent proof as to the birth of his two youngest children, Edward C. and George J. F., but presents no satisfactory proof as to the birth of Edna E. They being duly identified and having made satisfactory proof as to their residence, but because of the protest entered by the Cherokee Nation as to the enrollment of F. M. Dawson the father of applicants wife, Lizzie Atkins, the name of the applicant Andrew C. Atkins, will as a citizen by intermarriage, and that of his wife, Lizzie Atkins and his children, Arthur, Edward C. and George J. F. as Cherokees by blood will all be placed on a doubtful card until such time as further proof of the citizenship of said F. M. Dawson has been established. And in order for him to have his child Edna placed with himself and family on said card it will be necessary for him to supply the Commission with proper certificate as to her birth.

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

Chas von Weise

Subscribed and sworn to before me this the 15th day of October, 1900.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 15, 1900.

In the matter of the application of Arthur G. Atkins for enrollment as a Cherokee Citizen.

Additional testimony.

William R. Dawson, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William R. Dawson.
Q What is your age? A 24 years old.
Q What is your post office? A Talala.
Q Do you know Andrew G. Atkins? A Yes, sir.
Q Know his wife, Lizzie? A Yes, sir.
Q Know whether they were married or not? A I was a witness.
Q Who married them? A Parson Jack.
Q Where at? A In Claremore.
Q What year was it? A In 1891.
Q They been living together ever since as man and wife? A Yes, sir.
Q You any relation to his wife? A I am a brother.
Q Is Parson Jack living? A I don't know.
Q Were they married according to the laws of the Cherokee Nation?
A Yes, sir.
Q She was a white woman, was she? A No, sir, she is a Cherokee
Q He is a white man? A Yes, sir.
Q Did he have a license? A Yes, sir.
Q You certain he had a license? A I suppose he did, he said he had; I am not certain but what they presented them, I am not positive about that.

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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.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of October, 1900.

Commissioner.

I, the undersigned stenographer to the courts in the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case, and that the foregoing is a true and correct transcript of my stenographic notes thereof.

To be filed in C. D-324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

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

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma.
Q What was the name of your wife? A My first wife was Julia Ann Howard
Q She was a white woman? A Yes sir.
Q When were you married to her? A I think it was the 8th of January, 1874.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes sir.
Q A Minister of the Gospel? A Yes sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes sir.
Q Did you have any children by her? A Yes sir.
Q Whar are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next chil ? A Elizabeth
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes sir
Q How are you related to him? A A brother.
Q Did you know his former wife, Julia? A Yes sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; they married in the states.
Q Do you know when he was married to her? A Yes sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife Julia? A Yes sir.
Q Do you know whether or not they were married? A Yes sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes sir.
Q Did you continue to know them for any long h of time afterwards?
A I knowed them as long as she lived.
Q During the time you knew them did they live together as husband

A.F.R.S.

and [illegible] A. [illegible]
[illegible] recently [illegible]

[illegible] will be filed with and made a part of the record in the following Cherokee cases:
Allegha Alfred et al. D-[illegible]; John Dawson D-380; William R. Dawson D-[illegible]; Lizzie Dawson D-[illegible] and Francis M. Dawson Jr. D-[illegible].

—o—

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

E. Rothrock

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 10th, 1902.

In the matter of the application of Andrew C. Atkins for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Lizzie Atkins, and his children, Arthur, Edna E., Edward C. and George J. F. Atkins, as citizens by blood of the Cherokee Nation.

Supplemental to D-584.

ANDREW C. ATKINS, being duly sworn, testified as follows:
Examination by the Commission.

Q. Give your name, age and post office address? A. Andrew C. Atkins, Nowata, age 42.
Q. Are you the same Andrew C. Atkins who made application to this Commission for enrollment as an intermarriaed citizen in October, 19oo. A. Yes, sir.
Q. What is your wife's name? A. Lizzie.
Q. Is she living? A. Yes, sir.
Q. Is she a Cherokee by blood? A. Yes, sir; that is what my marriage certificate shows but when we made application they put us on a doubtful card.
Q. When were you married to your wife Lizzie? A. 29th of March, 1891.
Q. Were you ever married prior to your marriage to your wife Lizzie? A. No, sir.
Q. Was she ever married prior to her marriage to you?
A. No, sir.
Q. You are her first husband and she is your first wife?
A. Yes, sir.
Q. Have you and your wife Lizzie lived together all the time as husband and wife from the date of your marriage up until the present time? A. Yes, sir.
Q. Were you living together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. Have you ever been separated since you were married?
A. No, sir. Once she was off on a visit.
Q. Now, how long have you lived in the Cherokee Nation?
A. 12 years.
Q. All the time for the last 12 years? A. Yes, sir.
Q. How long has your wife liged in the Cherokee Nation?
A. She came here in '83.
Q. Has she lived in the Cherokee Ntion all the time since '83
A. Yes, sir.
Q. These children, Arthur, Edna E., Edward C. and George J. F., are they all living at this time? A. Yes, sir.
Q. Have they lived all their lives in the Cherokee Nation?
A. Yes, sir.
Q. Never have lived any where else? A. No, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case andthat the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

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

T. L. Jones
Notary Public.

IN THE MATTER OF THE APPLICATION OF

Andrew C. Atkins

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

CHEROKEE. D 582

Andrew C. Atkins et al.

Res 7th Cont. transferred to
Cherokee D 16783, Oct. 12, 1904

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

OCT 25 1907

Dec 1 2 34 11

Cher D 585

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15, 1900.

In the matter of the application of Jacob Guthrie for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Jacob Guthrie.
Q How old are you? A 48.
Q What is your post-office? A Coffeyville, Kansas.
Q Do you live in Coowescoowee District? A I have been living in Coowescoowee District, I am living in Coffeyville now.
Q Who is it you want to have put on the roll? A Myself and family.
Q Your wife and how many children? A My wife and is a white woman; we married in the State; I have got two children.
Q You want to apply for your whole family? A Yes sir
Q Are you a Cherokee by blood? A No sir, I am Shawnee.
Q Your wife, you say, is a white woman? A Yes sir
Q When did you first come to the Cherokee Nation? A 1871.
Q How long did you live here continuously after you came in 1871?
A Until 1885, continuously, and I have been here off and on all the time ever since.
Q How long have you been living at Coffeyville? A About 12 years
Q What are you doing there? A I am just living there schooling my children; all my property is in the Territory.
Q Are you in Business in Coffeyville? A No sir.
Q What is your business in the Territory? A Stock business.
Q Your business is all on this side of the line? A Yes sir.
Q Have you ever voted up in Coffeyville? A No sir
Q Never exercised any of the rights of citizenship up there? A No sir
Q Give me the name of your father? A Abaliah Guthrie.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Nancy.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Dora.
Q How old is she? A 56 years old.
Q When did you marry her? A 1883.
Q You and she lived together ever since you were married? A Yes sir.
Q Give me the names of your children? A Wade Abaliah.
Q How old is that child? A 16 years old.
Q Next child? A Robert George.
Q How old is he? A 4.
Q Both living now? A Yes sir.
1880 roll page 263 #1167 Jacob Guthry Delaware District;
1896 roll page 343 #196 Jacob Guthrie Coowescoowee District;
1896 roll page 306 #429 Dora Guthrie "
1896 roll page 343 #197 Wade A. Guthrie "
1896 roll page 343 #198 Robert G. Guthrie "
Q Where were these children born? A They were born in Coffeyville.
Q Have you spent any time with your family in the Cherokee Nation in the last 12 years? A Oh yes
Q Have you a furnished house down here in the Cherokee Nation?
Q I don't know that you might call it a furnished house, I have got All my furniture that I ever had in the Cherokee Nation on my farm.
Q How much time have you spent in the last 12 years with your family in the Cherokee Nation? A Oh I expect we have spent probably a third of the time.
Q Most of your individual time in the Cherokee Nation?
A All the time, yes sir, only as much as I had to be there.

Jacob Guthrie et al ?

Q Are your main purposes in living in Coffeyvi le is sending your children to school? A Yes sir.

Q Have you [illegible] residence among the Cherokee Nation and making that your home? A [illegible] elsewhere since.

Com'r Brackin: [illegible] applicant applies for the enrollment of himself, his wife and two children) he is identified on the rolls of 1880 and [illegible] that he is a Shawnee and came to the Cherokee Nation with his parents in 1871; he has lived for the past 12 years to a certain extent in Coffeyville, Kansas; he states that his object in [illegible] there is simply to school his children, and that most of his [illegible] time is spent in the Cherokee Nation, where his business exclusively is, and that he has never exercised the rights of citizenship outside the Cherokee Nation; for the further consideration of the question of domicile in this case his application will be taken under advisement, though it seems to be well established that he has never contemplated any locality as his home other than the Cherokee Nation; he states that he married his wife in 1885; she is identified with him on the roll of 1896, and also with her minor children, the older of whom is 16 years of age; he states that he and his wife have lived together as husband and wife ever since their marriage; she will be listed as a Cherokee by adoption, and the question of her enrollment will be for the present taken under advisement, as affected by the question of domicile;

The two children are identified with their parents on the roll of 1896; they are both living at this time; they will be listed as Cherokee-Shawnees, and the question of their enrollment will be taken under advisement as in the case of with their parents; the final conclusion of the Commission will be communicated to the applicant at his post-office address.

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

M D Green

Subscribed and sworn to before me this 15th day of October 1900.

[illegible]

Commissioner.

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

In the matter of the application for the enrollment of Dora Guthrie, et al., as citizens of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

DORA GUTHRIE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Dora Guthrie.
Q How old are you, Mrs. Guthrie? A Thirty-eight.
Q What is your postoffice address? A Coffeyville, Kansas.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
Q What is your husband's name? A Jacob Guthrie.
Q Is he living at this time? A Yes, sir.
Q Is he a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to your husband, Jacob Guthrie? A '83.
Q Had he ever been married prior to his marriage to you? A No, sir.
Q You're his first wife? A Yes, sir.
Q Had you ever been married prior to your marriage to him?
A No, sir.
Q Have you and Mr. Guthrie lived together as husband and wife all the time since your marriage up to the present time? A Yes, sir.
Q You have never been separated? A No, sir.
Q You and he were living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time, Mrs. Guthrie, since '83 up to the present time? A Not all the time.
Q How much of the time have you lived in the Cherokee Nation?
A I suppose a third, back and forth.
Q Do you know when you first left the Cherokee Nation after you were married? A I will have to explain that. We have never lived there all the time; we just come back and forth to the home place.
Q Where di you go when you went out of the Cherokee Nation?
A To Coffeyville.
Q When did you first go? A In '83. We go there and come back. We have furnished rooms, and go there to school the children.
Q You have a place in the Indian Territory? A Yes, sir.
Q Keep house over there? A Yes, sir, we have our furniture in our rooms at the farm.
Q How much of the year do you spend on the farm? A I could hardly tell you; we go down there and stay for a day or two or a week.
Q When Mr. Guthrie has work to attend to? A Yes, sir.
Q You keep house in Coffeyville? A Yes, sir, I have a home in Coffeyville.
Q You have been keeping house in Coffeyville nearly ever since your marriage, have you not? A Yes, sir.
Q And you reserve a couple of rooms or three on the farm?
A Just one.
Q And have your furniture in it? A Yes, sir.
Q And when he has any business at the farm you sometimes go with Mr. Guthrie to the farm and stay while he attends to his business?
A Yes, sir, Mr. Guthrie is there a great part of the time.

Q And when you get through you go back to Coffeyville? A Yes, sir.
Q And you have lived principally in that way since your marriage to Mr. Guthrie? A Yes, sir, we have lived that way ever since we were married.
Q You and Mr. Guthrie have never kept house yourselves in the Indian Territory, have you, since your marriage? A No, sir.
Q How many children have you? A Two.
Q Two children? A Yes, sir.
Q And you stated you stayed in Coffeyville for the purpose of schooling those children? A Yes, sir.
Q You had no children when you first went to Coffeyville? A No, sir.
Q Went there before the children were born? A Yes, sir.
Q And, as I understand you, you kept a residence in Coffeyville from the time you first went there, shortly after your marriage, up to the present time? A I had a home myself there, and Mr. Guthrie owns no property in Coffeyville.
Q The home is yours? A The home is mine.
Q But you kept house there since your marriage all the time?
Q Yes, sir.
Q And you also had one room furnished down on Mr. Guthrie's farm in the Cherokee Nation? A Yes, sir.
Q And sometimes you would go over there and stay a few weeks and he would attend to his business? A Yes, sir.
Q Have you ever stayed as much as six months at any one time down on the farm with Mr. Guthrie since your marriage? A No, sir.
Q Have you ever stayed as much as four months at any one time down there on the farm since your marriage? A I have not.
Q Have you ever stayed as much as two months down there on the farm in the Cherokee Nation since your marriage? A No, sir.
Q How long do you think is the longest time you ever spent there at any one time since your marriage to Mr. Guthrie? A Well, I don't know that. I could not tell just exactly, but not to exceed a week. A few days at a time, back and forth maybe two or three times during the week.
Q Mr. Guthrie has a farm within a few miles of Coffeyville?
A Yes, sir, just a short distance.
Q And he would go down on the farm and stay a few days and then come back home to Coffeyville? A Yes, sir.
Q Has he got any business there in Coffeyville? A No, sir.
Q Has he ever been in business in Coffeyville? A No, sir.
Q Now, what has been said with reference to your residence, is true of your children since their birth, is it? A Yes, sir.
Q They have always lived with you? A Yes, sir, they live with me.
Q And Mr. Guthrie's homw since your marriage has been your home, has it? A Yes, sir.
Q You and he have never separated? A Oh, no.

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

Retta Chick

Subscribed and sworn to before me this 28th day of October, 1902.

Notary Public.

Cherokee D 585

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

In the matter of the application for the enrollment of Jacob Guthrie and minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood:

D E C I S I O N

The record in this case shows that on October 15, 1900, Jacob Guthrie appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself and minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood. The application also included Dora Guthrie, wife of said Jacob Guthrie, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of persons claiming right to enrollment as such not being fixed at this time, the said Dora Guthrie is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 28, 1902.

The evidence shows that the applicant, Jacob Guthrie, is of Shawnee blood and that the applicants, Wade A. and Robert G. Guthrie, are the minor children of the said Jacob Guthrie. The said Jacob Guthrie is duly identified on the 1880 authenticated roll and the 1896 census roll of the Cherokee Nation as an adopted Shawnee. The said Wade A. and Robert G. Guthrie are duly identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the applicant, Jacob Guthrie, has been residing with his family in Coffeyville, Kansas, since 1883 and that during all of said time has owned improvements in the Cherokee Nation and spent most of his time working on his farm in said nation; that he has never voted nor exercised any rights of citizenship outside of said nation.

The residence of the minor applicants herein has been the same as that of their father, the said Jacob Guthrie.

Cherokee D 585

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D 937 (I. T. D. 2900-1903), that the said Jacob Guthrie, Wade A. Guthrie and Robert G. Guthrie should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 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.

Muskogee, Indian Territory,
this SEP 18 1903

mo

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-585

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Jacob Guthrie for the enrollment of himself and his two minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood.

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,

Chairman.

Enc. D-21

Jacob Guthrie

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A Original testimony Oct 15/00

B Memo of application Oct 15/00

C Notice of final consideration 3/5/02

D Receipt for testimony

E Order closing testimony - 3/5/02

OCT 26 1907

Cher D 586

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOWATA, I.T., OCTOBER 15th, 1900:

In the matter of the application of William C. M. Robinson for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Robinson being sworn by Commissioner C.R. Breckinride, testified as follows:

Q What is your full name? A William C. M. Robinson.
Q How old are you? A I am 42.
Q What is your post office? A Walala.
Q You lived in Cooweescoowee district? A Yes, sir.
Q Do you want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir, and one child.
Q Are you Cherokee by blood? A No, sir.
Q Is your wife Cherokee by blood? A Yes, sir.
Q Let me see your licrnse and cdrtificate. (Applicant produces same.)

Com'r Breckinridge: The applicant presents a license issued by the Clerk of Cooweescoowee district May 17, 1888, autorizing his marriage to Miss Cynthia E. Bibles, and the certificate shows that they were united in marriage on the same date as the license by the Clerkof the district. This is filed herewith.

Q Have you lived with your wife andin the Chero kee Nation ever since you were married to ger in 1888? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Was she ever married before? A No, sir.
Q You apply for your wife now under the name of Cynthia E. Robinson? A Yes, sir.
Q How old is she? A 29.
Q Has she ived in the Cherokee Nation all her life? A No, sir, she has lived in Texas.
Q When did she come to the Cherokee Nation? A I could not tell you.
Q Was she ever admitted by theCherokee Council or Com ission? A Yes, sir.
Q Have you a certificate of Admission? A No, sir.
Q What year was she admitted in? (No response.)
Q Give me the name of her father? A William H. Bible.
Q Is he dead or alive? A He is alive, he is here.
Q Give me the name of her mother? A Mary E.
Q Is she dead or alive? A She is alive.
Q She came with her father and mother from Texas? A Yes, sir.
Q And you think they were admitted? Yes, sir, this is my understanding.
Q Has your wife lived in the Cherokee Nation ever since she was admitted in 1885? A Yes, sir, I suppose so.
Q She has livedhere ever since you were married to her?A Yes,sir.
Q Now give me the name of the child?A Mary J.
Q How old is that child? A Ten years old.
Q Living now is she? A Yes, sir.

1896 enrollment; page 322, #876, Charles Robinson,Cooweescoowee
1896 enrollment; page 245, #4138,Cynthia Robinson, "
1896 enrollment; page 245, #4139,
Mary J. Robinson, "

Com'r Breckinridge:--The applicatn applies for the enrollment of himself, his wife and one child: He states that his wife was admitted to Citizenship gy the Cherokee Commission in November, 1885. He is identified on the roll of 1896, and he files herewith a Cherokee license and certificate, showing his marriage to his wife under Cherokee law in 1888. He states that he and his wife have lived togethe in the Cherok e Nation ever since their marriage in 1888, and neither of them were ever married before. He will be listed for enrollment as a Cherokee by intermarriage, and his application will be placed upon a doubtful card, until he supplies the Commission

with official evidence of his wife's admission in 1885, as set forth in the testimony. His wife is identified on the roll of 1896, and she will be listed as a Cherokee by blood, but upon a doubtful card to await official evidence of her admission in 1885. The child, Mary J., is identified with her parents on the roll of 1896. She is living now and she will be listed for enrollment as a Cherokee by blood, but upon a doubtful card awaiting evidence of her mother's admission in 1885

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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 15th day of October, 1900.

Commissioner.

Commissioner.

Acting Chairman

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

FILED
MAY 28 1902

Chairman

Chairman Dawes, Commission to the Five Civilized Tribes:

The enclosed copy of the letter of Governor Jones, of Choctaw Nation, dated May 23, 1902, certified to us by Attorney Bruce, of Muskogee, I.T., and Mr. Gibson, of Vinita, I.T., is forwarded for your information.

Respectfully,

Tams Bixby,
Commissioner.

Muskogee, I.T.,
May 23, 1902.

Hon. Tams Bixby,
Commissioner to the Five Civilized Tribes,
Muskogee, I.T.

Dear Sir:

Inclosed herewith I send you a copy of a letter addressed to me by Governor Jones, of the Choctaw Nation, which I have received this morning, and which I have thought it my duty to forward to you at once.

Yours respectfully,

Gibson & Bruce,
Attorneys for Choctaw Nation.

Hon. Tams Bixby,
Commissioner to the Five Civilized Tribes,
Muskogee, I.T.

Dear Sir:

Under the 12th section of the Choctaw Nation act of March 3, 1897, I have appointed Mr. Jackson Frazier, of Atoka, I.T., to be the Choctaw Attorney for the Choctaw Nation, vice Mr. Gibson, resigned.

Yours respectfully,

Jas. P. Jones,
Governor.

Cherokee D 586

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 3,1902.

In the matter of the application of William G. M. Robinson, et. al. for enrollment as Cherokee citizens.

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Supplemental Statement

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There was filed with this Commission on the 23rd day of October, 1900, a copy of an Act of the Cherokee National Council approved by D.W. Bushyhead, Principal Chief on November 25,1885, certified by J. T. Parks, Assistant Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation, to be a true and correct copy, from which it appears that Cynthia Bibles, among others, were admitted to all the rights and privileges of Cherokee citizenship on the 25th day of November, 1885.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William C. M. Robinson, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Cynthia E. Robinson, and his minor child Mary J. Robinson, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

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The record in this case shows that on October 15, 1900, the applicant William C. M. Robinson appeared before the Commission at Nowata, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Cynthia E. Robinson and his minor child Mary J. Robinson as citizens by blood of the Cherokee Nation. On October 23, 1900, applicant filed with this Commission documentary evidence in the matter of the above application.

From the evidence in this case it appears that Cynthia E. Bibles was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on November 25, 1885, and that the principal applicant, William C. M. Robinson was lawfully married to her in accordance with the tribal laws of the Cherokee Nation on May 17, 1886. Their child Mary J. Robinson is the issue of such marriage. She and her parents are identified on the Cherokee Census roll of 1896.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress June 28, 1898, 30 Stats. 495).

It is therefore the opinion of this Commission that William C.M.

Robinson is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that Cynthia E. Robinson and Mary J. Robinson are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that their applications for enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAY 20 1902

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D. 896.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of William C. M. Robinson for the enrollment of himself, his wife, Cynthia E. Robinson, and his minor child, Mary J. Robinson, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Encl. D-896.

William C. M. Robinson

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A Original testimony Oct 15/00

B Memo of application Oct 15/00

C Marriage license & certificate

Co[illegible]

[illegible]

Sept 11, 190[illegible] Examined and transferred to [illegible] 190[illegible].

See Cherokee Docket 441

Enrolled

Cher D 587

DOCKETED As to husband Arthur Brown.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. October, 12th 1900.

In the matter of the application of Rebecca Brown for the enrollment of herself, wife and one child as Cherokee Citizenship. She being duly sworn by the Commission testified as follows.

Q What is your name? A. Rebecca Brown.
Q What is your age? A. 37.
Q What is your post office address? A. Nowata, I. T.
Q What district do you live in? A. Coweskoowee.
Q Are you a recognized citizen of the Cherokee nation? A. Yes sir.
Q By blood? A. Yes sir.
Q What degree of blood do you claim? A. 1/16.
Q For whom do you apply? A. Myself, husband and one child.
Q Where is your husband? A. He is at home?
Q Cant he come here? A. No sir.
Q Why? A. Got in some trouble and sent home here.
Q What was your name before you married your husband? A. Rebecca Pierson.
Q Have you a marriage license and certificate? A. Yes sir
Applicant presents a marriage license and certificate showing that she married one Arthur J. Brown a citizen of the United States on the 7th day of October, 1891.
Q Does your name appear on the authenticated roll of 1880? A. No sir
Applicant presents a certificate of admission to Cherokee Citizenship in cases Nos. 20 & 26, said certificate being issued by the Citizenship Commission of the Cherokee Nation at Tahlequah and dated June 27th 1878, and signed by John Chambers as president and O. P. Shower and George Downing as members of the Commission and by D. L. Nicholson as clerk thereof, and certifying that among others one Rebecca Pierson was admitted to Cherokee Citizenship by said Commission on June 7th 1878.

Q Are you the identical Rebecca Pierson that is mentioned in this certificate? A. Yes sir.
Q What is the name of your child? A. Maple A.
Q How old is this child? A. 6 years.
Q Is this child alive and living with you? A. Yes sir.
Q What is your husbands name? A. Arthur J. Brown.
Q How old is he? A. 36 years.
Q Is he a white person? A. Yes sir.
Q Is he your first husband? A. Yes sir.
Q Are you his first wife? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. I was born in raised here.
Q How long has your husband lived here? 13 years.
Q Is he here now? A. No sir.
Q How long has he been gone? A. About a y ear.
Q Do you know when he is coming back? A. No sir.
Q Have you heard from him? A. No sir.
Q You say that the reason but he is not in the country is because he is in some trouble and has to stay out of the country? A. Yes sir. He is in trouble.
Q You have not lived any where else but in the Cherokee Nation yourself? A. No sir.
Q Have you heard from your husband since he went away? A. No sir.

| | | | | | |
|---|---|---|---|---|---|
| Issue roll, | page, | 117, | No. | 560, | Rebecca Brown, Coweskoowee. |
| 1896 " | " | 206 | " | 116 | Arthur J. Brown " |
| 1896 " | " | 117 | " | 870 | Maple Brown " |

The name of Rebecca Brown appears on the census roll of 1896 as well as her child Maple Brown. Proof of her citizenship and residence is offered which is more particularly described in the testimony. She has also produced satisfactory evidence as to her marriage to her husband Arthur J. Brown, the applicant states that he has become involved in some trouble which caused him to flee the country, but that she expects his return to make home for her and

REBECCA BROWN #

[illegible] identified according to the page and number of the roll [illegible] will be duly listed [illegible] satisfactory [illegible] F. Brown [illegible] will be enrolled and his name will be placed on a supplemental roll as an intermarried citizen.

[illegible] being duly sworn states that he stenographed the testimony before the Five Civilized Tribes Commission in the proceedings in the above cause and the foregoing is a full and correct transcript of his stenographic notes in said proceedings.

Charles Wise

Subscribed and sworn to before me this the 14th of October, 1900.

[illegible]

Commissioner.

R

C D 587

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

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Arthur J. Brown for enrollment as a Cherokee citizen.

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

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 5th day of March,1902; and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application.

J. C. STARR, being first duly sworn and being examined testified as follows:
BY W.W.HASTINGS:
Q What is your name? A J..C. Starr.
Q What is your age?A 31 years.
Q You are stenographer for the Cherokee attorney? A Yes sir.
Q Have you made any effort to get service upon Arthur J. Brown, the applicant in this case? A Yes sir, I have.
Q State what you have done?A I have registered letters to Mrs. Brown who made application for Arthur J. Brown, to three different post-offices and never received any return; and I have written letters trying to locate Arthur J. Brown, and have been unable to do so, and was advised by different parties that he was trying to keep out of the way of the United States Marshal; for that reason I could not find his present post-office address.
BY MR. HASTINGS: Comes now the Cherokee Nation and moves to be permitted to introduce a copy of the decree of divorce between his former wife, Rebecca Brown and the applicant, showing that the divorce was granted to her on the ground of abandonment, and also that no service at that time could be had upon him, and that service had to be had by upon him by publication.
BY COMMISSION: The request of the Cherokee Nation will be complied with and the document made part of the record.
The applicant having this day been called three times and failing to respond either in person or by attorney, it is directed that the case be closed and that same be submitted to the Commission for final decision, based upon the evidence now of record.

---

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

M.D. Green

Cherokee D 327

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

I.T.D.L.

In the matter of the application of Rebecca Brown for the enrollment of herself and minor child, Mabel A. Brown, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Arthur J. Brown, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

---oOo---

The record in this case shows that on October 15, 1900, the applicant, Rebecca Brown, appeared before the Commission at Newata, Indian Territory, and then and there made personal application for the enrollment of herself and her minor child, Mabel A. Brown, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Arthur J. Brown, as a citizen by intermarriage of the Cherokee Nation. Rebecca Brown and her child, Mable A. Brown, are listed for enrollment on Cherokee Roll card Field No. 4407, and the matter of the application for their enrollment is not considered at this time. At the conclusion of the testimony taken in this case on October 15, 1900, the name of Arthur J. Brown was placed upon a Doubtful Card because no satisfactory proof regarding his actual residence was made. Thereafter on March 5, 1902, at Muskogee, Indian Territory, further evidence in the matter of the application for the enrollment of Arthur J. Brown was introduced.

It appears from the evidence in this case that the applicant, Arthur J. Brown, a citizen of the United States, was married, on October 19, 1891, under the laws of the Cherokee Nation, to " Beckie Pierson", a citizen of the Cherokee Nation, who was admitted to citizenship in the Cherokee Nation by the Commission on Citizenship of the Cherokee Nation on June 7, 1878. The applicant,

Arthur J. Brown, is identified on the Cherokee census roll of 1896.

It further appears from the evidence that Arthur J. Brown had lived in the Cherokee Nation about twelve years, but on the date of this application and for about a year prior thereto he had been absent on account of some trouble.

It further appears from the evidence that on the 30th day of November, 1901, a divorce, on the ground of abandonment, was granted in favor of Rebecca Brown against Arthur J. Brown.

Section 667 of the Compiled Laws of the Cherokee Nation of 1892 provides:

> "Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress, June 28, 1898. (30 Stats., 495.)

It is therefore the opinion of this Commission that Arthur J. Brown is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory and that the application for his enrollment as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breadinridge

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. 8.

C. D. 587

Muskogee, I. T. Feb. 21, 1902.

Clerk of the U. S. court,

Vinita,

I. T.

Please advise me if there is pening in your court a suit for divorce between Rebecca Brown, and her husband Arthur J. Brown, or if a divorce has been granted these parties since October, 1900, please send us a certified copy of the decree, and Masters report, and your bill for same, and we will be pleased to remit.

Yours very t truly,

J C Starr

Dear Sir:

No such suit pending here.

Yours etc.

R. H. Lybrand D.C.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D C. D. 587.

Muskogee I. T., Feb. 21, 1902.

Mrs. Rebecca Brown,

Talala, I. T.

Dear Madam:

Please advise us if You have brought suit or have obtained a divorce against Your husband, Arthur J. Brown, and if so in what Court.

Respectfully,

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D

C. D. 567

Muskogee, I. T. Feb. 21, 1902.

Clerk of the U. S. Court,

Wagoner,

I. T.

Dear Sir:-

Please advise me if there is pending in your court a suit for divorce between Rebecca Brown, and her husband Arthur J. Brown, or if a divorce has been granted these parties since October, 1900, please send us a certified copy of the decree, and Masters report, and your bill for same and we will be pleased to remit.

Yours very truly,

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. C. D. 587

Muskogee, I. T. Feb. 21, 1902.

Clerk of the U. S. court,

Vinita,

I. T.

Please advise me if there is pening in your court a suit for divorce between Rebecca Brown, and her husband Arthur J. Brown, or if a divorce has been granted these parties since October, 1900, please send us a certified copy of the decree, and Masters report, and your bill for same, and we will be pleased to remit.

Yours very t muly,

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D C. D. 587.

Muskogee, I. T., Feb. 21, 1902.

Mr. E. B. Lawson,

Nowata, I. T.

Dear Sir:

Will You kindly advise us if Mrs. A. J. Brown or Rebecca Brown has brought suit for divorce against her husband Arthur J. Brown, and if so has it been finally determined, and in what Court.

Thanking You in advance for an early reply, I am,

Yours truly,

OFFICE OF
EUGENE B. LAWSON,
ATTORNEY AT LAW

BEN J. SCOVILLE,
NOTARY PUBLIC

Nowata, Ind. Ter., Febuary 22nd 1902

J. C. Starr, Esq.

Muskogee, I. T.

Dear sir :- Answering your letter of inquiry relative to Arthur J. Brown, will say that Mrs Brown obtained a divorce in the U. S. Court at Wagoner, at the last term, and I understand has since remarried and lives at either Ramona or Collinsville.

Youre very truly

E B Lawson

February 24th, 1902.

J. C. Starr, Dr

To R. C. Hunter,

For copy Report of Master in Chancery and Decree of Court in case of Brown vs. Brown, No. 701.----------$1.75----------$

R. C. Hunter
D.C.

Wagoner
J.T.

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 , 190 .

Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

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.

# NOTICE!

*IN THE MATTER OF* the application of Arthur L. Brown for enrollment as Cherokee citizens:

Case No. D. 537

To Arthur L. Brown.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on March 5th, 1909, **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 24, 1909.

W. W. Hastings

Attorneys for the Cherokee Nation.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 587.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Rebecca Brown for the enrollment of her husband, Arthur J. Brown, as a citizen by intermarriage of the Cherokee Nation.

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

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

Respectfully,

Acting Chairman.

Enc. C. No. 37.

DEPARTMENT OF THE INTERIOR

THE FIVE CIVILIZED TRIBES

Cherokee D 367.

Muskogee, Indian Territory, November 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Arthur J. Brown for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Arthur J Brown

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A. Original testimony taken

B. Evidence, application [illegible]

C. Notice of final concluding 3/5/02

D. Copy of [illegible] master in chancery & order of court

Supplemental testimony and order [illegible] 3/5/02

Dawes No

See Docket

Cher D 588

Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., October 15, 1900.

In the matter of the application of Francis M. Dawson Jr. for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What's your name? A Francis M. Dawson, Jr.
Q What is your age? A 29.
Q What is your postoffice address? A Talala.
Q What is your district? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Always understood it that way.
Q By blood or intermarriage? A By blood.
Q Whom do you apply for enrollment? A Just myself.
Q Does your name appear upon the roll of 1880? A Don't think it does.
Q What is your father's name? A F. M. Dawson, Sr.

Q The applicant presents a certificate of admission issued by the Commission on Citizenship dated at Tahlequah, Cherokee Nation, Jan. 11, 1883; said certificate being signed by Thos. Tehee, President of the Commission, Alex Wolfe and F. M. Thompson, members of the Commission, certified by to by D.W.C.Duncan, Clerk of the Commission, and John L. Adair, Ass't. Executive Secretary of the Cherokee Nation, under the great seal of the Cherokee Nation; and in this certificate I find the name of F. M. Dawson. Is this F. M. Dawson mentioned herein your father? A Yes sir, that's my father.
Q What year were you born? A Don't know.
Q You don't know how old you are? A Don't know exactly.
Q How long have you lived in the Cherokee Nation? A Ever since '83.
Q Been here all the time? A Yes sir.

WITNESS SWORN: F. M. Dawson, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A F. M. Dawson.
Q Are you the father of the applicant, Francis M. Dawson, here?
A Yes, sir.
Q What year was he born? A I think it was '75. I think he is somewhere about 28 or 29 years.
Q When were you admitted to citizenship? A 11th day of June '83.
Q Francis M. Dawson was a minor then? A Yes, sir.
re-direct.
1894 roll; page 378, #771, Francis M. Dawson, Delaware Dist.
Commissioner-

The name of Francis M. Dawson does not appear upon the authenticated roll of 1880, nor on the Census Roll of 1896. He presents a certificate of citizenship more fully described in the testimony to the effect that he is the son of Francis M. Dawson, Sr., who was admitted to citizenship in the year of 1883. His name is also found upon the pay roll of 1894. He is duly identified as the son of the said Francis M. Dawson, Sr., and has made satisfactory proof as to his residence, but because of the protest of the Cherokee Nation as to the enrollment of ~~[illegible]~~ of Francis M. Dawson, Sr., or any of his children, final judgment as to the enrollment of the said applicant will be suspended. His name will be placed upon a doubtful card.

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

E. G. Rothenberger

Subscribed and sworn to before me this 15th day of October, 1900.

Commissioner.

To be filed in C. D-588.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

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

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Sequoma.
Q What was the name of your wife? A My first wife was Julia Ann Howard
Q She was a white woman? A Yes sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes sir.
Q A Minister of the Gospel? A Yes sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes sir.
Q Did you have any children by her? A Yes sir.
Q What are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next chil ? A Elizabeth
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes sir.
Q How are you related to him? A A brother.
Q Did you know his former wife, Julia? A Yes sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or White woman? A I couldn't say what; they married in the states.
Q Do you know when he was married to her? A Yes sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes sir, we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife Julia? A Yes sir.
Q Do you know whether or not they were married? A Yes sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.
Q Did you see them soon after their marriage? A Yes sir.
Q Did you continue to know them for any leng h of time afterwards? A I knowed them as long as she lived.
Q During the time you knew them did they live together as husband

2-F.M.D.

and wife? A Yes sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Atlanta Allred et al D-835; John Dawson D-880; William R. Dawson D-881; Lizzie Dawson D-884 and Francis M. Dawson Jr. D-886.

—o—

I, [redacted] stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereon.

[redacted]

CHEROKEE. D 58

Francis M Dawson Jr.

Transferred to Cherokee
No 10781

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Dec 1 1894

Cher D 589

Commissioner.

Washington, D. C., October 20, 1908.

Superintendent and Special Agent in Charge,
Seattle, Washington.

Sir:

Inclosed herewith is a copy of a letter from Mr. Charles Hilton, of Port Townsend, Washington, in which he complains of the conduct of the officers and crew of the revenue cutter Rush in connection with the seizure of the schooner Ida Delaney for violation of the sealing laws.

Please make a full and careful investigation of the matter and report the facts in the premises, with your opinion as to the propriety of the action of the officers and crew of the cutter.

Very respectfully,

Chas. D. Hill,
Special Agent.

---000000---

File with case of George Ewers, Jr., C.-D.#589.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 28, 1900.

In the matter of the application of Goleyhugh Harlow for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examied by Commssioner Needles, he testified as follows:

Q What is your name? A Goleyhugh Harlow.
Q What is your age? A 45.
Q What is your post office address? A Kennison.
Q What district do you live in? A Goweesoogowee.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Intermarriage.
Q Your father and mother were non-citizens? A Yes, sir.
Q What is the name of your wife? A Peggy Ann Harlow; her name was Ewers before we was married.
Q How old is she? A 34.
Q When did you marry her? A 1881.
Q Have you a certificate of marriage? A Yes, sir. (Produces papers)

Com'r Needles: The applicant presents certificate certifying that marriage license was issued to him on the 23d day of December, 1881, by the constituted authorities of the Cherokee Nation authorizing him to marry Miss Annie Ewers a citizen of the Cherokee Nation by blood; said certificate reads "Married by John Bullard, certificate being signed by Joe M. Lahay Clerk, under the seal.

Q What is the name of your wife's father? A George Ewers.
Q Is he living? A Yes, sir.
Q What is the name of her mother? A Peggy A. Wolfe. was her maiden name.
Q What are the names of your children? A Bertha, 17 years old;
Q What is the name of the next child? A Walter.
Q How old is Walter? A 16
Q Next one? A Alice.
Q How old is she? A 14.
Q Next? A James
Q How old is James? A 12.
Q Next? A Joseph.
Q How old is Joseph? A 10/
Q Next one? A Elick.
Q How old is Elick? A 7.
Q What is the name of the next one? A Beulah M.
Q How old is BeulahM. A 3 yearsold.
Q Have you any ~~xxxxxx~~ proof of birth as to the youngest child? (Produces papers)

Applicant presents satisfactory proof of birth as to his youngest child.

Q Are these children all alive and living with you at this time?
A Yes, sir.
Q How long have you lived in the Cherokee Nation?
A I have lived here 35 years.
Q Living with your wife? A Not that long.
Q Have you been living with your wife since you married her, continuously? A Yes, sir.
Q Never married any other woman? A No, sir.

Applicant: My wife is not on the roll of 1880; she was out of here going to School at the time the 1880 roll was taken.

She is on all the other rolls excepting the 1880.
Q Her father and mother were living in 1880? A He was out of the Territory at that time.
Q Where was Peggy A. Ewers born? A She was born in- it is Cherokee County, Kansas now.
Q What was her father's name? A George Ewers.
Q when did he die? A He is not dead.
Q He is a white man? A Yes, sir
Q What is her mother's name? A Peggy Ewers.
Q Is she living? A No, sir.
Q Was she an Indian? Yes, sir
Q When did she die? A I believe she died in 1865 or 6.
Q You contend that your wife was a daughter of Peggie Ewers?
A Yes, sir.

1896 roll page 175 #2193 Annie Harlow, Cooweescoowee District;
1896 roll page 307 #457 Gelenhugh Harlow, "
1896 roll page 175 #2194 Bertha Harlow "
1896 roll page 175 #2195 Walter Harlow, "
1896 roll page 175 ~~Xxxxx Xxxxxx~~ #2196 Alice Harlow "
1896 roll page 175 #2197 James Hawlow, "
1896 roll page 175 #2198 Joe Harlew "
1896 roll page 175 #2199 as Alex Harlow, "
1894 roll page 220, #2272 Peggie A. Harlow, Cooweescoowee Dist;
1894 roll, page 220, #2273 Bertha Harlow, "
1894 roll page 220, #2274 Walter Harlow, "
1894 roll page 220 #2275 Alice Harlow, "
1894 roll page 222 #22[illegible] James Harlow, "
1894 roll page 220 #2277 Joseph Harlow, "
1894 roll page 220 #2278 as Alexander Harlow, "

Q Have you any certificate of admission or re-admission for your wife? A No, sir. Not unless you would call that one. (produces papers.)

Examined by Cherokee Attorney P. C. West.

Q Didn't your wife apply to the Dawes Commssion in 1896 along with George Ewers? A No, sir.

By Com'r Needles:

Q You say your wife didn't apply? A I made application in 1883 or 1884 when this was issued; I made application and Mr. Clem Rogers told me she was out of here as a minor going to scholl and come back and her rights wasn't disputed, and of course the law didit apply to that; he was President of the Senate at the time, and this is what he issued me. (Referring to paper handed by applicant to Commissioner)
Q ~~Xxxx~~ You certain that your wife didn't apply in 1896?
A No, sir.
Q Where did your wife's mother die A She died in Cherokee County, Kansas.
Q Your wife was born in Kansas? A Yes, my wife was born in Kansas.

By Cherokee Rep've W. W. Hastings:

Q When was your wife born? A In 1865 I believe.
Q When did she come to the Cherokee Nation first?
A She came in the latter part of 1880 I think it was.

By Com'r Needles:

Q Was that the time her mother came? A Her mother ne ver did come.
Q What brought her here? A She had a right here and her folks lived here
Q Her mother was her folks, and her mother never did come?
A She had relatives living here.

By Cher. Rep've Hastings:

Q Do you know Squire Green? A No, sir
Q Do you know Harietta Dumbar? A No, sir.

Q You know William F. Neil? A No, sir.
Q Do you know Sarah M. Brashier? A No, sir.
Q Do you know George W Ewens? A No, sir.
Q You know Annie E. Barnes? A No, sir
Q I mean do you know of them? A No, sir.
Q Do you know whether they are related to your wife?
A No, sir.
(Hastings reads these names from the 1896 docket of the Dawes Commission citizenship cases)

Com'r Needles: The name of Goleyhugh Harlow appears upon the census roll of 1896 as an intermarried Cherokee; he avers that he married his wife, Peggy A. Ewers in the year 1881; he avers that she is a Cherokee citizen by blood; her name is found upon the census roll of 1896; he avers that he has the following children: Bertha, Walter, Alice, James, Joseph and Elick, whose names appear upon the census roll of 1896 and the pay roll of 1894; the youngest child, Beulah, three years of age, name is not found upon any roll, but he presents satisfactory proof of the brith of said child; the name of his wife, Peggy A. is also found upon the pay roll of 1894, the name of his wife not being found upon the authenticated roll of 1880, neither the name of her father nor mother upon the said roll; no satisfactory proof is presented as to the wife, Perry, being a Cherokee citizen by blood, consequently final judgment as to the application of the said Goleyhugh Harlow for the enrollment of himself, his wife and family will be suspended and their names will be placed upon a doubtful card.

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

Subscribed and sworn to before me this 29 day of September, 1900.
(Signed) C. R. Breckinridge,
Commissioner.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T. October 3rd, 1900.

Supplemental Testimony in the matter of the application of G. W. Harlow for the enrollment of himself, his wife and children as Cherokee citizens. Card D. 461.

George Walker, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A George Walker.
Q How old are you? A Seventy years old.
Q What is your post office? A Kinnieson.
Q Peggie A. Urus? A Yes, sir.
Q Her name is not found on the roll of 1880, do you know the reason why? A They was minors then.
Q Are you any relation to them? A Yes, sir.

Q What relation? A About one-third cousins.
Q What is the name of her father? A George Urus.
Q Is he a Cherokee citizen by blood? A No, sir.
Q What is the name of her mother? A Peggie Ann.
Q Is that the mother of Harlow's wife? A Yes, sir.
Q Is she a citizen by blood? A Yes, sir.
Q Was her name on the roll of 1880 or did she die before that?
A She died before.

EXAMINATION BY MR. W. W. HASTINS, Representative of the Cherokee Nation.

Q Do you know where this woman was born, this man's wife, Peggie Harlow? A She was born on the Neutral land.
Q In Kansas? A Yes, sir. And after that was sold she lived there for a number of years, or she lived there until before she was a woman and then her father fetcher her to a place right beside of me on Cabin Creek.
Q When? A Some twenty years ago.
Q Since 1880 wasn't it? A Well, it was about that time.
Q She took her reservation in the Neutral land? A No.
Q How do you know? A I know she did not.
Q How do you know it? A He came to me and asked me--he took a place and he came to me and asked me if I wouldn't receive that money and hold it for him, and I told him I didn't want to have anything to do with it.
Q Do you know whether she was ever admitted to citizenship when she moved back into the Cherokee Nation? A They went down there. They had me along with them, and it wasdecided down at Court at the council that she was a minor and didn't need any, and I supposed it was all right.
Q Do you know when she was born? A No, I do not.
Q What was her father's name? A Her father was named George.
Q What was her mother's name? A Peggie Ann.
Q Was her father or Mother a Cherokee? A Her mother.
Q What was her mother's maiden name? A Wolf.

The undersigned, being sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental testimony and proceedings in this application, had at the time above mentioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

(Signed) Wm. S. Wellshear.

Subscribed and sworn to before me this 19th day of October A. D. 1900.

(Signed) C. R. Breckinridge,
Commissioner.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., October 15, 1900.

Additional testimony in the application of Goleyhugh Harlow for enrollment of himself, wife and children as Cherokee citizens.

George Ewers, witness, sworn and examined by Commissioner T. B. Needles.

Q What is your name? A George Ewers.
Q What's your age? A 65.
Q What's your post office? A Galena, Kansas.

Q Do you know Peggy A. Ewers? A Yes, sir.
Q What do you know about her being a Cherokee by blood?
A She always passed as a citizen.
Q How long have you known her? A Ever since '65.
Q Is she any relation of yourself A A daughter of mine.
Q She always passed as a Cherokee by blood. Her mother was supposed to be that.
Q Do you know the reason why her name is not upon the roll of 1880?
A I do I guess; I had control of them at that time and sent them to school.
Q Was she ever recognized as a Cherokee citizen by the Cherokee authorities? A Not that I know of.
Q Where was she born? A She was born in Kansas.
Q Was she raisedin Kansas? A Mostly so, I had her under control until about '82.

Representative Baugh; of the Cherokee Nation:

Q Did you and your wife ever live in t he Cherokee Nation?
A We lived in what is called Delaware district.
Q Were you recognized as Cherokee citizens? A Yes, sir
Q So recognized by the authorities? A At the time I married, it was during the war; consequently we could not be recognized; when the war was over we were cut off as we lived after the war in the neutral land.
Q Did you ever live here at all? A I lived here about nine months up here in what is called Cooweescoowee District.
Q Did you ever own any property in the Cherokee Nation? A I did not.
Q Where was your daughter married at to this gentlemen, Harlow?
A She was married in Cooweescoowee District.
Q Was she ever married under Cherokee law? A I do not know.

COMMISSIONER T. B. NEEDLES:

Q Where did she live when she was married? A Cooweescoowee district.
Q Did you live there? A Yes, sir.
Q She was living there? A Yes, sir, she was married during the nine months I was living there.

REPRESENTATIVE BAUGH OF THE CHEROKEE NATION:

Q She never did claim a ny right to citizenship except that she always understood her mother was a Cherokee? A Yes, sir
Q Did you ever apply to Cherokee aut orities for admission?
A Did not.
Q Did you ever in any way come to the Cherokee authorities and ask them to give you the rights? A Did not. I come here thinking we had a right.

COMMISSIONER T. B. NEEDLES:

Q You never made application for yourself, nor wife, nor children? A No, sir, my wife was a white woman; my Cherokee wife was dead. She died in '65.
Q She was the mother of Hawlow's wife? A Yes, sir
Q She died in '65? A Yes, sir.
Q Where? A In Kansas, Cherokee country.
Q You never applied to the Dawes Commission in 1896?
A Did not.
Q Your wife, the mother of peggy, died in '65 in Kansas; Peggy was born in Kansas, she lived there until how long?
A Until 1882.
Q How old was she then? A She was born in '65; about 17 years of age.
Q Then you moved about nine months down in the Cherokee Nation and Harlow married Peggy there? A Yes.
Q Then did Harlow move back to Kansas? A Not that I know of.
Q You were a citizen of Kansas? A I was a citizen of Kansas.

REPRESENTATIVE BAUGH? OF THE CHEROKEE NATION:
Q Your daughter was born as a citizen of Kansas; she was born on the neutral land and supposed to be a Cherokee?
A Yes, sir, that was their home.
Q Did you or did your daughter ever ask for enrollment from the Cherokee authorities? A I don't know what my daughter did after she married. I did not as I stated to you before.

WITNESS, JAMES GODDARD, sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What's your name? A James Goddard.
Q What's your age? A 65.
Q What's your postoffice? A Kenison, I. T.
Q Do you know Peggy Harlow? A Yes, sir
Q How long have you known her? A I have known her ever since she was born.
Q What do you know about her Cherokee citizenship?
A I know her mother was a Cherokee; I knew that
Q Her mother was a Cherokee? A Yes, sir
Q How much Cherokee? A I guess about 1/2 she was a Wolfe.
Q Did her mother ever live in the Cherokee Nation?
A She was raised on the neutral land.
Q Was her mother ever recognized as a Cherokee citizen by the Cherokee authorities? A Yes, sir.
REPRESENTATIVE BAUGH; of the Cherokee Nation:
Q Did her mother take an allotment by the right of her cherokee citizenship on the neutral land? A No, sir, she was dead.
Q Was their any allotment taken for this child Peggy?
A No, sir
Q Why wasn't that done? A They were young, and their father wouldn't take their rights.
COMMISSIONER T. B. NEEDLES:
Q You say Peggy Harlow was always recognized as a Cherokee citizen?
A She was among our people up there.
Q Was she by the Cherokee authorities? A I can't tell you about that.
REPRESENTATIVE BAUGH, of the Cherokee Nation?
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.

Witness, JAMES C. BLITHE, sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What's your name? A James C. Blithe.
Q Your age? A I suppose I am about 76.
Q What is your post office? A Barthesville.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q You know Peggy Harlow who used to be Peggy Rwers?
A Yes, sir; I was acquainted with her when she was a small girl, we went to school together.
Q Where? A On the neutral land.
Q Did you know her mother? A Yes, sir.
Q Was her mother a Cherokee? A Yes, sir, both Cherokees.
Q Her father testified that he was a white man a little while ago? (No answer.)
REPRESENTATIVE BAUGH, of the Cherokee Nation:
Q Are you talking about this man's wife or the daughter?
A The old gentleman's wife.
Q You mean Peggy's mother? A The old original one. I wasn't acquainted with the young Peggy.
Q How do you know this Peggy is the daughter of the other Peggy?
A Parents claim it.
Q Did you ever see Harlow's wife? A Don't know her.
Q [illegible] A No, sir

COMMISSIONER T. B. NEEDLES:
Q It was her mother you knew? A Yes, sir.
REPRESENTATIVE BAUGH, of the Cherokee Nation:
Q That is who claimed to be her mother? A Yes, sir.

MR. EWERS, recalled, by the applicant:
Q Mr. Ewers you know that there was no reservation taken for Peggy Harlow? A No, sir, there was none taken.
Q You know she was in school in the eighties, wasn't she?
A Yes, sir, under my control.
Q And she wasn't of age when she come to the territory, was she?
A No, sir, she was not of age. I brought them back to have them re-instated. I lived on the neutral land and I did not want to keep them away and that is the reason I brought them back, and during that time she married the man Harlow.
REPRESENTATIVE BAUGH, of the Cherokee Nation:
Q Why did you not, as her father, take an allotment on the neutral land when you knew that they had a right to take it as a citizen?
A Couldn't take it because we were refugees during the war, the time we were married; consequently I had never gone and taken out any. I couldn't be a citizen unless I was recognized by the law, and you know what the law of 1860 was in regard to a Cherokee I was a white man and we were married during the war as refugees.
Q Your daughter was a Cherokee, was she not? A Yes, sir.
Q Why did you not take out an allotment for her? A This very reson, I did not give them their right nd I did not want to take it away, and consequently I was not a Cherokee citizen. I can show that I did not take one.

The Applicant to Mr. Ewers:
Q Have you a deed of the land that Peggy lived on at the time the reservations were taken? A I have a deed, yes, sir; a deed for the land I had taken as a citizen of the United States.
Q That is the land that Peggy, your wife, died on?
A Yes, sir, that is the land she died on.
COMMISSIONER T. B. NEEDLES:
Q You never got any lands from anybody on account of Indian blood of your wife or children? A No, sir.

MR. GODDARD RECALLED BY APPLICANT:
Mr. Goddard, do you know whether or not there was a reservation taken for Peggy Harlow, daughter of Peggy Ewers or Peggy Wolfe?
A There was not.
Q You know when Peffy Ewers died? A Not exactly, about '65.
Q Whether she died before the reservations were taken?
A Yes, sir.
MR. BAUGH, Representative of the Cherokee Nation:
The Cherokee Nation protests against the enrollment of Goleyhugh Harlow, his wife and all of their children for the simply fact that had they been Cherokees they would have had a right to take an allotment on the neutral land and that they could have come to the Cherokee Nation, if that he saw fit to have come and been admitted to citizenship as other Cherokees have done.
That they never have been admitted at all; consequently, they are not Cherokees by blood.

E. G. Rothenberger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and th t the foregoing is a true and complete translation of his stenographic notes in said case.

(Signed) E. G. Rothenberger.

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

(Signed) C. R. Breckinridge,
Commissioner.

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ADDITIONAL TESTIMONY.

CARD "D" #461.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 26th, 1901.

In the matter of the application of Gobyhugh Harlowe et al, D.#461.

C. V. Rogers, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A C. V. Rogers.
Q What is your age? A Sixty-two.
Q What is your post office address A Claremore.
By Mr. A. M. Calloway, Attorney for applicant:
Q Are you acquainted with Mrs. Harlowe? A I am.
By Mr. W. W. Hastings, Cherokee representative:
Q Were you a senator of the Cherokee Nation in 1880? A Yes, sir. at that time Mr. Harlowe came to me there at Tahlequah, while I was a member of the Senate and wanted his wife readmitted; and he said that his wife came back here while she was a minor, and I took the ground that it was not necessary to admitt her if she was a minor when she came back here. A She was raised on neutral land.
Q Do you know where she was born? A On the Neutral Lands.
Q Neutral lands in Kansas. A Yes, sir.
Q When it was a part of the Cherokee Nation? A Yes, sir, at that time.
Q Before it was disposed of? A Yes, sir
Q After it was disposedof, she lived there a while?
A Yes, sir
Q While still a minor, she returned to the Cherokee Nation?
A Yes, sir.
Q Her maiden name was Kweres? A Yes, sir.
Q Do you know where she was married? A No, sir; I don't.
By Mr. A. M. Calloway, Attorney for applicant:
Q Do you know whether or not there was any reservation taken for her in Kansas? A No, only just what I have heard.
Q You stated that she was born in the neutral lands in Kansas, at that time a part of the Cherokee Nation? A Yes, sir.
Q Was that land sold by the Cherokee Nation? A It was sold by order of the Cherokee Natio N/
Q And she did not move out of the Cherokee Nation, when she lived there? A I don't remember just what year it was sold to the Government.
Q But she did not move out by reason of the Nation selling that territory? A No, sir. She came back here, my understanding is, when she was only seventeen years old.

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

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 27th day of February, A. D., 1901.

(Signed) T. B. Needles, Commissioner.

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J. O. Rasson, being first duly sworn, states that as stenographer to the commission to the five Civilized Tribes, he copied the testimony in the case of Coleyhugh Harlow, et al., and that the above and foregoing is a true and complete transcript of the same.

J. O. Rasson

Subscribed and sworn to before me this February 19, 1908.

Commissio ner.

REJECTED: Applicant's Wife.
DOUBTFUL: Applicant and his child.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 18th, 1900.

In the matter of the application of George Ewers for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Ewers being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please? A George Ewers.
Q How old are you? A 36.
Q What is your post office? A Manderson.
Q In what district do you live? A Coweescoowee.
Q Do you apply for yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children? A One.
Q Are you a Cherokee by blood? A Yes, sir.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A Came here in 1883.
Q Were you admitted by the Cherokee Commision? A Yes, sir.
Q Have you a certificate of your admission? A No, sir, I have not got it.
Q Have you livedhere ever since you came here in 1881? A Yes, sir, I was away about a year.
Q Where were you? A I was in Colorado working.
Q What year was that? A Part of 1883.
Q Just wne out a year and come back? A I was not away a year; just went out for a job of work.
Q Give me the name of your wife? A Lucy.
Q How old is she? A 26 years old.
Q When were you married to her? A May, 1897.
Q Have you a certificate of marriage? A No, I did not bring it with me.
Q What is the name of your child? A Meland W. Ewers.
Q How old is that child? A He is two years old.
1896 enrollment; page 123, #1821, George Ewers, Coweescoowee.
Q What is the name of your father? A George Ewers.
Q Is he dead? A No, sir.
Q What is the name of your mother? A Peggy Ann.
Q Is she dead? A Yes, sir.
Q Were you ever married except to this wife? A Yes, sir.
Q Was your former wife dead when you married this woman? A Yes, sir.
Q Was she ever married beofre? A No, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one child: He claims to have been admitted To Cherokee Citizenship in 1883, but is unable to produce a copy of the certificate of his Admission at this time. He establishes his residence in a satisfactory manner, and he is identifiedon the roll of 1896. He will be listed for enrollment as a Cherokee by blood, but his application will be placed upon a doubtful card, until he supplies the Commission with official evidence of his Admission in 1883 as claimed by him.

He states that he married his wife in May, 1897. He is desired to supply a certificate of his marriage, but his marriage is said to have taken place after the Cherokee law of 1896, prohibiting the acquirement of citizenship by intermarriage. The application for her enrollment is REJECTED/

George [illegible].

When he presents the Commission with a certificate of the birth of his child, and upon the other evidence as regards his Admission to Citizenship and his marriage to his wife, this child will be enrolled as a Cherokee by blood, but at present the application for its enrollment will be placed upon a DOUBTFUL CARD. The applicant states that his former wife was dead when he married his present wife and that his present wife was never married except to him.

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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 15th day of October, 1900.

[illegible]

Commissioner.

Supl.-C.D.#589.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL in the matter of the enrollment of George Ewers, Jr., as a citizen of the Cherokee Nation:

Appearances:
Messrs. Mellette & Smith, for Applicant;
Mr. J. C. Starr, Cherokee Representative.

Commission. It is directed that the testimony in the matter of the enrollment of Goleyhugh Harlew, et al., D.#461, be filed with and made a part of the record in the application of George Ewers, Jr., Cherokee doubtful card #589.

Commissioner.

J.G.R.

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D 589

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of George Ewers, Jr., for the enrollment of himself and children as citizens of the Cherokee Nation:

Appearances:
Mellette & Smith, Vinita, I. T., for applicants;
W. W. Hastings, for the Cherokee Nation

The Commission: The applicant and his attorneys were notified by registered letter on February 13, 1902, that the application of George Ewers, Jr., for the enrollment of himself and children as citizens of the Cherokee Nation, would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter and the applicant this day appears by his attorneys Mellette & Smith.

GEORGE EWERS, the applicant herein, being sworn and examined, testified as follows:

Examined by Mr. Smith:

Q What is your name ? A George Ewers.
Q Are you the applicant in this case ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A I have been here ever since March, 1881.
Q How old were you in 1881 ? A I was between 17 and 18 years old
Q Have you any brothers or sisters living in the Cherokee Nation ?
A I have one sister Peggy Ann Harlow.
Q What is her husband's name ? A G. H. Harlow.
Q Mr. Ewers, you were called upon, in the notice you received, from the Commission, to furnish a certified copy of any act of re-admission which you might have to the Cherokee Nation. You may state to the Commission what the facts are with regard to that matter. With regard to your re-admission.
A I was re-admitted at one time I know of, in 1896, but I didn't get no certificate.
Q Where were you ? A I was at Tahlequah before the Committee
Q Well now, was that 1896 ? A Yes sir. That's one time.
Q Did you ever make any application earlier than that ?
A In 1893, I believe.
Q Were you ever enrolled by any of the Cherokee authorities ?
A Yes sir.
Q When ? A In 1896.
Q Is that what you meant when you said 1896 a while ago ? A Yes sir I w asked them was that all that was required, and they said it was. I told them I thought I ought to have something to show for it, and they said I didn't need it.
Q How old are you now Mr. Ewers ? A I am 37.
Q Did you draw your strip money ? A Yes sir.
Q How long have you been living in the Cherokee Nation ?
A Ever since March 1881.
Q Do you know any other George Ewers in the Cherokee Nation ?
A My father's name is George Ewers, but he aint in the Cherokee Nation.
Q I will not ask you anything that is outside your personal knowledge.

Mr. Smith: I desire to offer a certified copy of an act of the Cherokee National Council appropriating out of the money of the strip funds a sufficient amount to pay $265.70 to each one of the persons named in the act, for the purpose of showing that this applicant was one of the persons named in the act.

Witness: I drew annuity money too. I drew $15.00 once and $16.00 once.
Q That was since March, 1881 ? A Yes sir.

Examined by Mr. Hastings:

Q Did you apply to the Dawes Commission in 1896 ? A No sir.
Q Did you get up some testimony in your case in that year ? In 1896 when the Commission was hearing applicants for citizenship ?
A I can't say positively whether I did or not.
Q Didn't you over there at Grove, on Cow Skin prairie take some depositions before J. C. Starr ? A Yes sir.
Q What was the purpose of taking them ?
A It was my purpose to show that I was an old residenter.
Q Did you use them in a case before the Commission ? A No sir.
Q You get this testimony ? A Yes sir.
Q You never used it at all ? A No sir.

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GEORGE EWERS, SR., being sworn and examined, testified as follows:

Examined by Mr. Smith:

Q State your name ? A George Ewers.
Q Where do you reside ? A Near Galena, Kansas.
Q What is your post office ? A Galena.
Q What is your age ? A I am 68 years old.
Q Do you know George Ewers, the applicant here in this case ?
A Yes sir.
Q Is he related to you ? A He is a son of mine.
Q Who was his mother ? A His mother was Peggie Ann Fields.
Q Was her maiden name Fields ? A Her maiden name was Wolfe.
Q Then she was Peggie Ann Wolfe to commence with ? A Yes sir.
Q Do you know how long this applicant here has been living in the Cherokee Nation ? A Well, in answering that, from 1865 he was living within the jurisdiction of the Cherokee Nation. That was in the neutral lands that was treated away, and I remained there, where I live now on the Cherokee neutral land. There's where we resided after I got back after peace.
Q You don't claim any citizenship in this Nation do you ?
A No sir.
Q Did you get any of the Cherokee neutral land ?
A Only what I paid for.
Q Did George get any ? A No sir, none at all.
Q About how long has George been living actually in the Cherokee Nation as it is known to-day, in the Indian Territory ?
A From 1881, so far as I know.
Q How old was he in 1881 ? A He was born in 1863 in December.
Q He was about 18 then, seventeen or eighteen ? A Yes sir.
Q Well, which one of the Wolfe's was his mother; who was she kin to here ? Do you know of your own personal knowledge if she was a Cherokee by blood. A I don't know they were recognized as Cherokees. I never heard anything to the contrary.

Mr. Hastings: I think I ought to object to that question for the reason that we are not inquiring into the question of blood, but the present citizenship of the applicant; and I move to strike the same from the record.

The Commission: The objection of the Cherokee Nation will be noted, and the answer recorded and considered for what it is worth.

Examined by Mr. Smith:

Q When did your wife die ? George's mother.
A She died at the same place.
Q When ? She died in--well I can't tell you exactly, I haven't got the date.

Mr. Hastings: About how long after the war ?
A Along about 1868, I believe. When George was a baby.
Q Where had your wife lived before she lived on this neutral land you speak of ? Did she ever live in the Cherokee Nation, in the Indian Territory, if you know ?
A I heard that she had, but I don't know.
Q You never saw her here then ? A No sir.

Examined by Mr. Hastings:

Q You married on the neutral land ? A No sir.
Q Where ? A In Allen County, Kansas.
Q How long had you known her there when you married her ?
A Three or four months. I knew her here before.
Q Did you live with her in Allen County, Kansas ? A Yes sir.
Q How long ? A From December to July.
Q Then you moved to the neutral land ? A Yes sir.
Q When was that neutral land sold ? A I don't remember.
Q About how long after the war ? A Well I don't know that I could make a respectable guess.
Q Haven't you any idea as to when it merged into and became a part of the State of Kansas ? A It must have been about 1870 or 1872, for a rough guess.
Q This boy continued to live there with you until 1881 ?
A Yes sir.
Q You lived there ? A Yes sir.
Q You were a citizen of the State of Kansas ? A Yes sir.
Q Ever held office up there ? A No sir.
Q Your wife died there in Kansas ? A Yes sir.

---

G. W. WALKER, being sworn and examined, testified as follows:

Examined by Mr. Smith:

Q State your name Mr. Walker ? A George W. Walker.
Q What is your citizenship sir, are you a Cherokee by blood ?
A Yes sir.
Q How long have you lived in the Cherokee Nation, in the Indian Territory ? A Oh I guess I have lived here---I was born in Tennessee.
Q Did you remove here with the Cherokees ? A Yes sir.
Q What year, do you remember ? A I don't, it's been so long ago.
Q Do you know this applicant, George Ewers, here ?
A Yes sir, I know him.
Q Who was his mother ? A Her name was Peggie Ann Wolfe.
Q What was her maiden name ? A She married, her first husband was Fields. She was Peggie Fields.

Q What became of him ? A He died.
Q Then did she marry anybody else ? A She married George Ewers.
Q XWell now, when you first knew her as a girl, where was she living?
A She was living on the neutral land.
Q Where ? A Sheal Creek.
Q I don't know just where that is; what place is it now ? Is it in Kansas ? A It is in Kansas now.
Q Did you know her in the Cherokee Nation here at any time ?
A Yes sir.
Q When was that ? A When I first knew her she was living in--you see that country was sold, and then it belonged to this country, and after it was sold why it wasn't no more.
Q When did she die, if you know ?
A I can't tell exactly. It was after the war sometime.
Q Give your best judgment as to the length of time after the war ?
A A short time.
Q Two or three years ? A Yes sir.
Q Who was her father ?

Mr. Hastings: I object to that because it is immaterial making it date prior to the war, and it is going into a question of blood, and that isn't the question before the Commission now; it is the question of citizenship.

Mr. Smith: If the court please I make this ----The Cherokee Nation claims not to have any roll back of 1880; what they did with these rolls I have never known. If this woman died before 1880 she cannot be on the 1880 roll. If she was once a citizen here, then I say her going to Kansas wouldn't affect her citizenship.

Mr. Hastings: The Commission was engaged in 1896 in investigating the right to be re-admitted or admitted to citizenship in the Cherokee Nation, and the investigations of the Commission now are confined solely to the right of enrollment of recognized citizens, and, therefore, it is not competent to go into the question of Cherokee blood anterior to the civil war.

The Commission: The objection of the representative of the Cherokee Nation and the answer of the attorney for the applicant will be duly noted and the witness will be permitted to answer the question.

A Dennis Wolfe was her father.
Q Where did he live ? A He lived up on Sheal Creek.
Q Where were you living at that time ? A On Neosho.
Q Is that the present boundary of the Cherokee Nation, is it in the Indian Territory now or not ? A It is government strip.
Q Is it now inside or outside of what we now call the Cherokee Nation ? A It is outside now.
Q Where did you first know these people; this woman ?
A On Sheal Creek.
Q Were they recognized Cherokee Indians ? A Yes sir.
Q Was she ? A Yes sir.

Mr. Hastings: The representatives of the Cherokee Nation, for the reasons above stated, move to exclude this testimony.

Examined by Mr. Hastings:

Q You knew she died up there in the neutral land ? A Yes sir.
Q You knew it became a part of the State of Kansas ? A Yes sir.
Q You knew this boy continued to live there until 1881 ?
A Yes sir.

Mr. Smith:

Q I will ask you if you know, you may state how old he was in 1881, as a boy ? A I can't tell you.

By Mr. Hastings:

Q Where has he been living ever since that time ?
A Since 1881 ?
Q Yes sir. A He has been living around close to where I live now.
Q Is that in the Cherokee Nation, or not ?
A Yes sir, on Cabin Creek.
Q Has he voted in the Cherokee elections ? A Yes sir.
Q Been recognized as a Cherokee citizen ? A Yes sir.

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The Commission: The attorney for the applicant and the representative of the Cherokee Nation present submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

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

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

E. C. Bagwell.

Subscribed and sworn to before me this March 4, 1902.

M D Green
NP

Commissioner.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 1[illegible], 1902.

In the matter of the application of
George Ewers, Jr., for enrollment as
a citizen of the Cherokee Nation. C. D. 589.

Brief on behalf of the Cherokee Nation.

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The applicant applies for himself and one child as citizens of the Cherokee Nation by blood; his name does not appear upon the roll of 1880, and he does not present a certificate of readmission to citizenship in the Cherokee Nation, although he stated to the Commissioner in the field that he was readmitted to citizenship in the Cherokee Nation upon his return in 1883, and he was required to file this certificate with the Commission. Subsequent to that time he changed his tactics and attempts to show that it was unnecessary for him to have been readmitted; that he was a Cherokee by blood and a minor when he came to the Cherokee Nation in 1883; he was born in the state of Kansas; his parents were married in the state of Kansas; his father never was a citizen of the Cherokee Nation. And we contend that by the marriage of his mother to his father and their continuous residence in the state of Kansas until the time of her death, that her citizenship followed that of her husband, and at the time of her death she was a citizen of the state of Kansas. The applicant remained in the state of Kansas with his father, who was a citizen of that state and never became a citizen of the Cherokee Nation according to his own testimony, until he was 20 Years of age; and we contend in the first place that the applicant never was a citizen of the Cherokee Nation, and in the second place if he was that his residence and citizenship followed that of his father, and that he became a citizen of the state of Kansas, and that it was

necessary for him to have been re-admitted to citizenship in the Cherokee Nation upon his return thereto.

Folois says: "A child is a part of the Nation to which his father belongs if the child is born in lawful wedlock, or to the Nation of its mother if the mother is not married", and Field on International Law says: "A legitimate child wherever born is a member of the Nation of which its father at the time of its birth was a member". American & English Encyclopedia, page 866, says: "An infant can not of its own accord change his domicil, but it changes while the father is living with the domicil of the father".

Now, the testimony of the father in this case is to the effect that he was always a citizen of the state of Kansas, and never a citizen of the Cherokee Nation: he married the mother of applicant in the state of Kansas, where the applicant was born: and we contend that the testimony introduced in this case was not admissible under the present inquiry of the Commission, but would have been legitimate testimony if the application had been made under the act of June 10th, 1896: then the Commission had jurisdiction to inquire into the question of blood: but now it is a question of citizenship. The applicant must either have been born a citizen and then continuously retained his citizenship up to the time of making his present application, or subsequent to his birth he must have been made a citizen of the Cerokee Nation by an act of re-admission. It makes no difference to the Commission now if the applicant is a full blood,- the inquiry is: Has he been admitted to citizenship in the Cherokee Nation?

Much space has been given to arguing what weight should be given the testimony of C. V. Rogers, who was a Senator of the Cherokee Nation in 1880. Mr. Rogers was a member of one out of eighteen Senators, whose opinion was worthy of consideration:

but if he gave this Young man this advice it was honestly erroneous, and like thousands of other people throughout the world this erroneous advice can not ~~affard~~ avail the applicant anything to the detriment of the Cherokee Nation and as against the Constitution and laws of the Cherokee Nation. Mr. Rogers was not the Cherokee Council, neither was he the Supreme Court of the Cherokee Nation, and his personal opinion could in no wise prejudice the rights of the Cherokee Nation. It needed nine other men in addition to himself to agree with him to pass this matter through the National Council, which according to the testimony before us was not done.

The act of Congress giving this Commission jurisdiction to sit on the roll of 1880, and directed this commission to enroll all whose names appeared thereon, descendants since born, as well as all persons claiming rights of Cherokee citizenship by blood who have since been re-admitted to citizenship in the Cherokee Nation by the National Council of court of competent jurisdiction. This applicant's name is not found upon the roll of 1880, although he is 36 years of age: neither has he been re-admitted to citizenship since that time. And we contend as above stated, first, that he was never born a citizen of the Cherokee Nation, because he was born without the limits of the Nation, and second, if he were born a citizen that his citizenship and residence followed that of his father, and that he became a citizen of the state of Kansas, and that it was necessary for him to have been re-admitted to citizenship in the Cherokee Nation upon his return.

Counsel for applicant cites the act of 1894, but that act only referred to persons who have been re-admitted to citizenship in the Cherokee Nation, and this applicant does not now contend that he was ever re-admitted to citizenship, hence it is unnecessary for us to enter into an argument as to our construction which we think should be placed upon that act; but

suffice is to say that we think the only construction that can properly be placed upon that act consistent with good law is that the last clause of that act did not bar minors who were orphans. It clearly means this, because the act of the father governs ~~that~~ the child; and if the father lived in a distant state the child must of necessity be a member of that same state.

We submit that all of the testimony tending to show the blood of the applicant is irrelevant, and should not be considered; but that the present inquiry should be confined to the question of citizenship of the applicatn.

Respectfully submitted,

Attorney for the Cherokee Nation.

W. H. H.

Cherokee D 889.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Ewers, Jr. for the enrollment of himself and his two minor children, Maland E. and Tams Bixby Ewers, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 15, 1900, George Ewers, Jr. appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his minor child, Maland E. Ewers, as citizens by blood of the Cherokee Nation. The application included his wife, Lucy Ewers, but, as she is differently classified, she is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902. The testimony taken in the matter of the application for the enrollment of Goloyhugh Harlow, et al., Cherokee Doubtful case No. 461, is made a part of the record in this case. Another child, Tams Bixby Ewers, was born since the date of this application and he is now embraced in this decision.

The evidence in this case shows that George Ewers, Jr. was born and lived, until the year 1881, in what was called the "Neutral Land", before it became part of the State of Kansas. His mother, who died before the Cherokee authenticated tribal roll of 1880 was made, was a Cherokee by blood. In 1881 the said George Ewers, Jr. came to the Cherokee Nation, he being a minor at that time. George Ewers, Jr. is named in an Act of the National Council of the Cherokee Nation, approved December 5, 1894, providing for the payment of the sum of two hundred sixty-five dollars and seventy cents ($265.70) out of the fund of the Strip payment, to each of the persons named in said Act. George Ewers, Jr. is identified on the Cherokee pay roll of 1886, his name there appearing by virtue of his Cherokee blood, and on the Cherokee Census roll of 1896, as a Cherokee by blood.

Two children, MalandE. and Tams Bixby Ewers, were born to George Ewers, Jr. and his lawful wife, Lucy Ewers, on August 6, 1898 and April 14, 1901, respectively, and proper proof of their births has been furnished this Commission.

The evidence further shows that the said George Ewers, Jr. has lived in the Cherokee Nation ever since the year 1881 and it is considered that his two minor children, Maland E. and Tams Bixby Ewers, have lived in the Cherokee Nation ever since their birth.

It is, therefore, the opinion of this Commission that George Ewers, Jr., Maland E. Ewers and Tams Bixby Ewers should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____ 190_____.

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 7th 1902.

Cherokee D 589.

In the matter of the application of George Ewers Jr., for enrollment as a citizen of the Cherokee Nation.

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Protest of the Cherokee Nation.

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The Cherokee Nation respectfully protests against the decision of the Commission to the Five Civilized Tribes rendered in this case on September 20th 1902 and asks that same be forwarded to the Honorable Secretary of the Interior for review.

The applicant applies for the enrollment of himself and one child as citizens by blood of the Cherokee Nation; his name does not appear upon the authenticated roll of eighteen hundred and eighty; and he does not present a certificate of readmission to citizenship in the Cherokee Nation, although he stated to the Commissionerin the field that he was readmitted to citizenship in the Cherokee Nation upon his return in 1883, and he was required to file this certificate with the Commission. Subsequent to that time he changed his tactics and attempts to show that it was unnecessary for him to have been readmitted; that he was a Cherokee by blood and a minor when he came to the Cherokee Nation in 1883; he was born in the state of Kansas; his parents were married in the state of Kansas; his father never was a citizen of the Cherokee Nation; and we contend that by the marriage of his mother to his father and their continuous residence in the State of Kansas until the time of her death, that her citizenship followed that of her husband, and at the time of her death she was a citizen of the state of Kansas. The applicant remained in the state of Kansas with his father, who was a citizen of that state and never became a citizen of the Cherokee Nation according to his own testimony, until he was twenty years of age: and we contend in the first place that the applicant never was a citizen of the Cherokee Nation; and in

the second place if he was that his residence and citizenship followed that of his father, and that he became a citizen of the state of Kansas, and that it was necessary for him to have been readmitted to citizenship in the Cherokee Nation upon his return thereto.

Foleis says:

" A child is a part of the nation to which his father belongs if the child is born in lawful wedlock. or to the nation of its mother if the mother is not married"

And Field on International Law says:
" A legitimate child wherever born is a member of the Nation of which its father at the time of its birth was a member"

American and English Encyclopeedia, page 866, says:

"An infant can not of its own accord change his domicil, but it changes while the father is living with the domicil of the father."

Now the testimony of the father in this case is to the effect that he was always a citizen of the state of Kansas and never a citizen of the Cherokee Nation: He married the mother of the applicant in the state of Kansas, where the applicant was born; and we contend that the testimony introduced in this case was not admissible under the present inquiry of the Commission but would have been legitimate testimony if the applicant had made application under the act of June 10th 1896; than the Commission had jurisdiction to enquire into the question of blood; but now it is a question of citizenship. The applicant must either have been born a citizen and then continuously retained his citizenship up to the time of the making of the present application, or subsequent to his birth he must have been made a citizen of the Cherokee Nation by an act of readmission. It makes no difference to the Commission now if the applicant is a full blood the inquiry is: Was he been admitted to citizenship in the Cherokee Nation

Much space has been given to arguing what weight should be given the testimony of C. V. Rogers, who was a Senator of the Cherokee Nation in 1880. Mr. Rogers was a member of one out of eighteen senators, whose opinion was worthy of consideration; but if he gave this youngman this advice he was honestly erroneous, and like thousands of otherpeople throughout the world this erroneous advice can not avail the applicant anything to the detriment of the Cherokee Nation, and as against the

constitution and laws of the Cherokee Nation. Mr. Rogers was not the Cherokee Council, neither was he the Supreme Court of the Cherokee Nation and his personal opinion could in no wise prejudice the rights of the Cherokee Nation. It needed nine other men in addition to himself to agree with him to pass this matter through the Senate branch of the National Council, which according to the testimony before us was not done.

The Act of Congress giving this Commission jurisdiction confirmed the roll of eighteen hundred and eighty, and directed this Commission to enroll all whose names appeared thereon, and their descendants since born as well as all persons claiming rights of Cherokee Citizenship by blood who have since been readmitted to citizenship in the Cherokee Nation by the Cherokee National Council or court of competent jurisdiction. The applicants name is not found upon the roll of 1880, although he is thirty six years of age; neither has he been readmitted to citizenship since that time. And we contend as above stated, first, because he was born without the limits of the Cherokee Nation, and second, if he were born a citizen that his citizenship and residence followed that of his father, and that he became a citizen of the state of Kansas, and that it was necessary for him to have been readmitted to citizenship in the Cherokee Nation uponhis return.

Counsel for applicants cites the act of 1894, but that act only referred to persons who have been readmitted to citizenship in the Cherokee Nation , and this applicant does not now contend that he was ever readmitted to citizenship, hence it is unnecessary for us to enter into an argument as to our construction which we think should be placed upon this act; but suffice it to say that we think the only construction that can properly be placed upon that act consistent with good law is that the last clause of that act did not bar minors who were orphans. It clearly means this, because the act of the father governs the child, and if the father lived in a distant state the child must of necessity be a member of that same state.

We submit that all of the testimony tending to show the blood of the applicant is irrelevant, and should not be considered; but that the present inquiry should be confined to the question of the citizenship of the applicants.

The decision of the Commission makes this startling erroneous historical statement:

"The evidence in this case shows that George Ewers Jr., was born and lived, until the year 1861, in what was called the 'Neutral Land' before it became a part of the said state of Kansas"
Whereas the fact is that it became a part of the state of Kansas in the year 1866 and that therefore the applicant George Ewers Jr lived in the State of Kansas with his father after 1866 up until 1861.

As has been argued herein the home of his father was his home and that being the state of Kansas that was his legal as well as his actual residence.

In view of these facts we do not see how under the law the Commission can enroll the applicants as citizens of the Cherokee Nation.

Respectfully Submitted,

W W Hastings

Attorney for the Cherokee Nation.

Attest,

J C Starr

Stenographer for the Cherokee Nation.

G

Cherokee (R) 589

Department of the Interior,
Commission to the Five Civilized Tribes,
Dewey, I. T., October 17,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of TALESPHOR A. PARADEE, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; being sworn and examined, he testified as follows:

BY COMMISSION:

Q What is your name? A Talesphor A. Paradee.
Q How old are you? A I am 31.
Q Whatis your post-office address? A Bartlesville, I. T.
Q You live in Cooweescoowee District? A I do.
Q You claim citizenship in the Cherokee Nation by intermarriage? A Yes.
Q What is the name of your wife? A Annie Wheeler was her first name; she was a widow at the time I married her; her name was Winn when I married her.
Q When were you married to her? A I am not quite sure but it seems to me it was in 1891 or '2.
Q You have already furnished the Commission with a copy of your marriage papers? A Yes sir, last month.
Q You were married under Cherokee law? A Yes sir.
Q Were you ever married before you married Annie Winn, or Wheeler? A No.
Q Was she ever married before she married you? A Yes, she was married once before only.
Q Was her first husband dead when she married you? A Yes.
Q Since your marriage to her in 1891 or '2 have you lived with her continuously as your wife? A I have only that I have been in prison; we have never been separated.
Q When were you sent to prison first? A In 1899.
Q When did you return? A In this year, August. 27th day of August, 1902.
Q With thatexception have you lived all the time with your wife in the Cherokee Nation? A Yes sir.
Q You are living with her now, are you? A Yes sir.
Q How many children have you? A Three.
Q What are their names? A Leo, Georgia and Elsie.
Q These children are all living now? A Yes sir.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctlyrecorded 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 3,1902.

[illegible]
Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. ASTESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 589.

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of George Ewers, Jr., for the enrollment of himself and his two minor children, Maland E. and Tams Bixby Ewers, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 60.

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.

KEEP IN REPLY REFER TO

Cherokee D 589.

Muskogee, Indian Territory, October 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of George Ewers, Jr. for the enrollment of himself and his two minor children, Maland E. and Tams Bixby Ewers, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on September 29, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEELEY
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 589.

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision granting the application of George Ewers, Jr. for the enrollment of himself and his two minor children, Maland E. and Tams Bixby Ewers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 20, 1902.

Respectfully,

Acting Chairman.

20

589

IN THE MATTER OF THE APPLICATION OF

George Evers Jr.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct. 15th 1900,

B Memo of application Oct. 15th 1900,

Certified copy of marriage license

Certificate of [illegible]

E Birth certificate of James [illegible]

Receipt for testimony

Notice of final [illegible]

Cherokee

Cher D 590

D 590

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., OCTOBER 15th 1900.

IN THE MATTER OF THE APPLICATION OF Sanford McNabb for the enrollment of his wife as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Sanford McNabb.
Q How old are you? A Thirty three.
Q What is your Postoffice? A Ramona.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the rolls? A My wife.
Q And yourself? A No sir.
Q Just your wife? A Yes sir.
Q Is she a Cherokee? A Yes sir.
Q What is her name? A Mary E. McNabb.
Q How old is she? A Nineteen?
Q Was she born in the Cherokee Nation? A Yes sir.
Q Has she lived here all her life? A Yes sir.
Q What is the name of her father? A John Pearson.
Q Is he living? A He is dead.
Q Give me the name of her mother? A Sarah Pearson.
Q Is she living? A She is dead.
Q When did John Pearson die? A I do not know.
Q When did Sarah Pearson die? A In 1897; April 12th.
Q When did you marry your wife? A Last April.
Q Was she ever married except to you? A No sir.
Q Have you a certificate of your marriage? A Yes sir.
(1896 Roll, Page 232, #3787, Mary E. E. Pearson, Geo. D'st)

The applicant presents a certificate of admission to Cherokee citizenship, showing that on June 7th, 1878, sundry persons were admitted to citizenship by the Cherokee Commission; and among them appears the name of Sarah Pearson.
Q That was the name of your wife's mother, was it? A Yes sir.
("This is recognized as official evidence of the facts stated")

Q Can you explain why your wifes mother, having been admitted in 1878, does not appear on the roll of 1880? A No sir; I can not.
Q Did she live in the Cherokee Nation from the time of her admission in 1878 until the time of her death in 1897? A I think so.
Q Do you know whether your wife was born in the Cherokee Nation?
A I have heard her word and her sister's word: They claim that they were.
Q It is understood in the family that the lived in the Cherokee Nation all their lives? A Yes sir.
Q Where did the family come from? A I do not know.

The applicant presents a license issued by the Clerk of the United States Court, for the Northern District of the Indian Territory, under date of April 2nd, 1900, authorizing marriage between the applicant and Miss Mary Pearson; and the certificate shows that they were united in marriage on the 8th day of the same month, in the same year, in Pawnee County, Oklahoma, by the Reverend J. W. Perry, Minister of the Gospel. This is filed herewith, and the certificate of admission is returned to the applicant.
Q Do you know when your wifes father and mother came to the Cherokee Nation? A No sir; I do not.

The applicant applies for the enrollment of his wife: He shows that his wife's mother was admitted to citizenship by the Cherokee Commission, in 1878: His wife's mother is now dead, having died in 1897: She is not identified on the roll of 1880: The applicant's wife is identified on the roll of 1896, and he states that she is understood to have been born in the Cherokee Nation, and to have lived here all her life: Her change of name is established by the marriage license and certificate filed herewith.

His wife's mother should be on the roll of 1880; For the further consideration of this omission, and other further reference in connection therewith, the application for the enrollment of Mary N. McNabb will at present be placed upon a doubtful card. She will be classed as a Cherokee by blood.

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

A. R. Cravens

Subscribed and sworn to before me this 13th day of October, 1900.

S. B. Tinsley

COMMISSIONER.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., OCTOBER 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Mary E. McNabb for enrollment as a citizen of the Cherokee Nation. SUPPLEMENTARY TESTIMONY to go with Card #D# 4890;
Calvin Coker, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Calvin Coker.
Q What is your age? A Past fifty.
Q What is your Postoffice? A Goodeys Bluff.
Q How long have you lived in the Cherokee Nation? A About all my life; I was born and raised here.
Q Do you know Mary E. McNabb, nee Pearson? A I know the Pearson family.
Q Do you know the girl named Mary E. Pearson? A I knew her as Emma Pearson.
Q Do you know Mr. McNabb? A No sir.
Q Did you know Emma Pearson? A Yes sir.
Q Was she born in the Cherokee Nation? A I think she was.
Q Did you know her mother? A Yes sir; Sarah Pearson was her mother.
Q Did you know her father? A Yes sir; John Pearson.
Q When did they come here? A About 1871, I think.
Q And this child, Emma was born here? A Yes sir; this youngest child; the last child they had: John Pearson died and left Sarah a widow: This Emma is the daughter of the two.
Q Do you know of any reason why the father and mother of this child were not enrolled on the roll of 1880? A I can not account for it.
Q They were here all the time? A Yes sir; that is the way I recollect it.

M. M. Gouch, being called, sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A M M. Gouch.
Q How old are you? A Forty two.
Q What is your Postoffice? A Nowata.
Q How long have you lived in the Cherokee Nation? A All my life; the most part of it.
Q Did you know the father and mother of Mary E. Pearson that was, who is now Mrs. McNabb? A Yes sir.
Q Were they in the Cherokee Nation before 1880? A Yes sir.
Q Was their daughter, Mary E. born here in this country?
A Yes sir.
Q And lived here all her life? A Yes sir.
Q Do you know any reason why her father and mother were not enrolled in 1880? A No sir; they were living on my place at the time.
Q When did they come here? A I do not just recollect.
Q But you know they were here before 1880? A Yes sir.
Q Before this woman, Mary E. was born? A Yes sir.
Q Did you know of them as admitted citizens? A That was always my understanding.
Q Where did they come from? A Arkansas.
Q And they never went back to Arkansas after that up to this time? A I do not think John Pearson went back: The mother went back after he died.
Q How long did she stay there? A I do not know.
Q Did this child stay all the time in the Cherokee Nation?
A She came back when her mother did.
Q Never stayed much outside of the Cherokee Nation? A No sir; she was out there not a great while.

H. L. Parish, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your full name? A H. L. Parish.

Q How old are you? A Fifty two/
Q What is your Postoffice? A Goodeys Bluff.
Q How long have you lived in the Cherokee Nation? A Ever since 1874 continuous.
Q Did you know John and Sarah Pearson, the father and mother of Mary N. Pearson? A Yes sir.
Q When did they first come to the Cherokee Nation? A They came to the Cherokee Nation about 1871, or 1872; I will not be sure which.
Q Did John Pearson stay here from that time until he died?
A Yes sir.
Q Did you know of him as an admitted citizen? A No sir; I did not: They were married in the State of Arkansas, and they never was married according to Cherokee law.
Q But John Pearson was a Cherokee, was he not? A No sir; he was a white man.
Q His wife was a Cherokee, was she? A Yes sir.
Q You do not know about their being admitted? A The woman was admitted, and I have the papers that have certifying to that fact.
Q They came here in 1872, did they? A Yes sir.
Q Did they stay until John Pearson died? A Yes sir.
Q When did John Pearson die? A I think about the Winter; the later part of 1883, I thin it was, or 1884; I will not be sure.
Q He died after this girl, Mary N. was born? A Yes sir.
Q Then the mother; did she live principally in the Cherokee Nation until she died? A She went to Arkansas; you might say on a visit.
Q This has been recognized as the home of Mary Emma Pearson all the time, has it? A Yes sir.

This evidence appears to establish beyond controversy that the father and mother of Mary Emma Pearson, now McNabb, were living in the Cherokee Nation prior to the time that Sarah Pearson was admitted to citizenship, and that they continued so to live until after the roll of 1880, and until after the birth of Mary N. Pearson, now McNabb. And it appears fully established that her home has been continuous in the Cherokee Nation from the time of her birth until now, and all objection to her enrollment is considered removed.

---

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

A. A. Crawford

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

[illegible]

COMMISSIONER.

"R"

Cherokee D 590

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Mary E. McNabb for the enrollment of herself and child as Cherokee citizens.

Appearances:

Applicant's husband, Sanford McNabb, for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant's husband, Sanford McNabb, was notified by registered letter February 13,1902, that the application of his wife for enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March,1902; applicant's husband this day to-wit: the 5th day of March,1902, appears in person.

SANFORD McNABB, being first duly sworn and being examined testified asfollows:

BY COMMISSION:

Q What is your name? A Sanford McNabb.
Q Where do you live? A Oglesby, Indian Territory.
Q Are you the husband of Mary E. McNabb, and the father of Clifford S. McNabb, the applicants before the Commission for enrollment as citizens of the Cherokee Nation? A Yes sir.
Q Have you any statement you desire to make relative to their application for enrollment as citizens? A I have no statement only I didn't have time to get that re-admission paper.
Q When was your wife re-admitted? A She was not re-admitted, her mother was re-admitted; I couldn't tell you; I have not had time to get the papers, I just got the notice Monday, and the paper is in the hands of her brother and I don't know where he is. I introduced evidence as to her citizenship at Nowata, Indian Territory.
Q What was your wife's mother's name? A Sarah Pearson.
Q How old is your wife? A She was 21 years old February 14 last I believe.
Q She was born since then? A Yes sir, she was born since 1880.

BY COMMISSION:

Q Will ten daysbe sufficient time for you to produce the evidence requested? A I think so.
Q Aside from that evidence do you submit the case to the Commission for final consideration? A Yes sir.

BY COMMISSION: Sanford McNabb in behalf of his wife and child, and the Cherokee Representative in behalf of the Cherokee Nation, submit the case, same is ordered closed and reported to the Commission for final decision based upon the evidence now of record, in addition to the evidence of admission of themother of the applicant; the applicant to supply the same within ten days.

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

M D Green

Cherokee D 590

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sanford McNabb for the enrollment of his wife, Mary E. McNabb, and his minor child, Clifford S. McNabb, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 15, 1900, the applicant, Sanford McNabb, appeared before the Commission at Nowata, Indian Territory, and then and there made personal application for the enrollment of his wife, Mary E. McNabb, as a citizen by blood of the Cherokee Nation. Supplemental Testimony in the matter of this application was taken on the same day and at the same place, and on March 5, 1902, at Muskogee, Indian Territory, further evidence in the matter of this application was heard.

It appears from the evidence in this case that Sarah Pearson, the mother of Mary E. McNabb, nee Pearson, was admitted to all the rights and privileges of Cherokee citizenship on June 7, 1878, by the Commission on citizenship of the Cherokee Nation. The applicant, Mary E. McNabb, had not been born at the time of her mother's admission.

It further appears from the evidence in this case that Mary E. McNabb, a native Cherokee, and Sanford McNabb, a white man, were married on April 8, 1900. Thereafter, on March 11, 1901, a male child, Clifford S. McNabb, by name, was born to Mary E. McNabb and her husband, Sanford McNabb, and proper proof of his birth has been furnished this Commission.

Mary E. McNabb is identified on the Cherokee Census roll of 1896 as "Mary E. Pearson", her maiden name. The applicant, Mary E. McNabb, was born in the Cherokee Nation and has lived there al-

most all her life.

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress June 28, 1898. (30 Stats., 495.)

It is therefore the opinion of this Commission that Mary E. McNabb and Clifford S. McNabb are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment as such should be granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 590.

ADDRESS ON ALL THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Sanford McNabb for the enrollment of his wife, Mary E. McNabb, and his minor child, Clifford S. McNabb, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 61.

59

IN THE MATTER OF THE APPLICATION OF

Mary E. McNabb

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

A Original testimony Oct. 5/00
B Memo of application Oct. 5/00
C Supplemental testimony Oct 15/00
D Marriage license & certificate
E Birth certificate Clifford S. McNabb.
F Notice of final consideration 3/5/02
G
H Supplemental testimony and order claimant testify 3/5/02

Cher D 591

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., OCTOBER 1[illegible], 1900.

IN THE MATTER OF THE APPLICATION OF Michael R. Miser for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Michael R. Miser.
Q How old are you? A Fifty five.
Q What is your Postoffice? A Gaffeyville, Kansas.
Q In what District do you live? A Coowescoowee.
Q Who is it you want to have put on the rolls? A Myself, wife and children.
Q How many children? A She has four; We have one.
Q Are you a Cherokee by blood? A No sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Let us see your marriage license and certificate?
(No response - Applicant hands paper to Commissioner)
By Commissioner:
The applicant presents an official copy of the records of Coowescoowee District, showing that a Cherokee marriage license was issued to him by the clerk of Coowescoowee District, and that he was married by the Clerk on the 3rd day of March, 1895 to Mrs. Sarah Hodges: This is filed herewith.
Q Have you lived with your wife ever since you married her in 1895? A Yes sir.
Q Have you lived all the time in the Cherokee Nation? A Yes sir.
Q Were you ever married previous to your marriage to this Wife?
A Yes sir; I was married twice before.
Q Were both of your former wives dead when you married this wife?
A Yes sir.
Q Was she ever married previous to marrying you? A Yes sir.
Q How often? A Three times.
Q Were all three of her former husbands dead when you married her?
A Her last man was dead; Hodges.
Q The other two were not dead;is that your understanding of it?
A Yes sir.
Q Give me your wifes name? A Sarah Miser.
Q How old is she? A Forty five yearsold.

Sarah Miser, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your full name? A Sarah Miser.
Q How old are you? A Forty five.
Q What was your name when you married Mr. Miser? A Hodges.
Q You married Mr. Miser in March, 1895? A Yes sir.
Q When did you marry your husband, Hodges? A I guess it was in 1886.
Q What is his full name? A Richard Hodges/
Q He is dead, is he? A Yes sir.
Q When did he die? A He died in 1894.
Q Was he a white man? A Yes sir.
Q What was your name before you married Hodges? A Gunter.
Q When did you marry your husband, Gunter? A In 1872.
Q What is his full name? A Kenton Gunter.
Q Cherokee or white man? A Cherokee.
Q Is he dead? A Yes sir.
Q When did he die? A He died in 1894; We was separated in 1883.
Q Did you get a divorce from him? A No sir; we separated.
Q Just quit? A Yes sir.
Q You never got any divorce? A No sir; We never got any license; we was just married by the preacher.
Q What was your name when you married Gunter? A McPherson.
Q McPherson was the name of your first husband? A My father.
Q You have been married only three times altogether? A Yes sir.
Q Your name in 1860 then was Gunter? A Yes sir.
Q And in 1886, it was Hodges? A Yes sir.
Q [illegible]

Q What is the name of this child of your present marriage?
A Sheridan Miner.
Q How old is that child? A Two years old last January first day.
Q What are the names of the other children? A I have got one girl married.
By the Commission: "Leave her out of the case".
By the applicant's wife: "My eldest boy is George Gunter: He is twenty five: He is in Columbus, Ohio.
Q In the penitentiary, is he? A Yes sir.
Q You say he is twenty five? A Yes sir; he soon will be.
Q How long has he to stay in the Penitentiary? A Next May, he will be out.
Q What is the name of the next child? A Lucen Gunter.
Q How old is he? A Eighteen years old.
Q What is the name of the next child? A Myrtle Morris: She is married: I have another boy named Morris: I enrolled him as Judge Morris.
Q How old is he? A Twelve.
Q These children are all living now, are they? A Yes sir.
(1880 Roll, Page 109, #1342, Sarah Gunter, Goes District)
(1880 Roll, Page 109, #1344, G. W. Gunter, Goes. District)
Q Is there a Sue in his name? A Yes sir.
(1896 Roll, Page 113, #662, Michal Miner, Goes. District)
(1896 Roll, Page 113, #663, Sarah Miner, Coowescoowee D'st)
(1896 Roll, Page 146, #1953, George Gunter, Coowescoowee D'st)
(1896 Roll, Page 144, #1956, Lucen Gunter, Coowescoowee D'st)
(1896 Roll, Page 212, #2307, Judge Morris, Coowescoowee D'st)
Q He (Judge Morris) is your child, is he? A Yes sir.
Q That is not one of Gunter's children? A No sir.
Q But you claim that is your own child? A Yes sir., that is my own child.

The applicant applies for the enrollment of himself, his wife and one child, and for three step children: The applicant is shown to have married his wife in accordance with Cherokee law, on March 3rd, 1895. He is identified with her on the roll of 1896, and he states that they have lived together in the Cherokee Nation ever since their marriage. It appears from the testimony that he has been married previously, but that his wife was dead when he married his present wife: His present wife, through whom he claims citizenship as an intermarried Cherokee, is shown to have been married to one, Gunter in 1872: They separated in 1893: No divorce proceedings were ever had under that separation, and her former husband, Gunter was living at the time she and the applicant were married, Gunter having died in 1896. The applicant therefore is not considered to have the right of enrollment under his present marriage, and the application for his enrollment is rejected.

The applicant's wife is identified on the rolls of 1880 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood.

When she supplies the Commission with a certificate of the birth of their child of her present marriage, Sheridan Miner, this child also will be listed for enrollment as a Cherokee by blood.

The applicant is permitted to apply for his step child, George W. Gunter, who is twenty five years of age, because that child is in the penitentiary at Columbus, Ohio: He is identified on the rolls of 1880 and 1896: The application for his enrollment will be placed upon a doubtful card, for the further consultation of the official records, if so desired.

The child Lucen Gunter, a minor, is identified on the roll of 1896: He is the child of the applicant's wife by a former husband: He (Lucen Gunter) is living now, and he will be listed for enrollment as a Cherokee by blood.

Still another child, Judge Morris, a child of the applicant's wife, but it does not bear the name of any one of her husbands, but which she claims as her own child, is identified on the roll of 1896: This child is a minor, and is living now: He will be listed for enrollment now as a Cherokee by blood.

[redacted]

[redacted]

[redacted]

FILED

R

C. D 591

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

SUPPLEMENTAL PROCEEDINGS in the matter of the application of George W. Gunter for enrollment of himself as a citizen of the Cherokee Nation.

Appearances:
W.W.Hastings, Attorney for the Cherokee Nation.

BY COMMISSION: Michael R. Mizer, who made the original application to the Commission for the enrollment of George W. Gunter, who is at present in the United States Prison, Columbus, Ohio, was notified by registered letter February 15,1902, that the application of George W. Gunter for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March,1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting the application of said George W. Gunter. Receipt has been acknowledged of the Commission's letter, and said Michael R. Mizer having failed to appear either in person or by attorney in behalf of George W. Gunter, whose case was this day called, to-wit: March 5,1902, it is directed that same be closed and reported to the Commission for final decision based upon the evidence now of record.

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

M D Green

Cher
Supp'l to # D 591

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application GEORGE W. GUNTER, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

GEORGE W. GUNTER, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A George W. Gunter.
Q What is your age ? A Twenty six.
Q What is your post office ? A Coffeyville, Kansas.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir.
Q You are on the 1880 roll ? A Yes sir.
Q On the '96 roll ? A Yes sir.
Q Who made application for you two years ago ?
A My mother.
Q Where were you at that time ? A In the Columbus, Ohio, penitentiary.
Q When were you released from the penitentiary ?
A May 13, 1901.
Q Did you live in the Cherokee Nation all the time from 1880 on up to the time you were sent to the penitentiary ? A Yes sir.
Q Where have you lived since you came back from the penitentiary in May, 1901 ?
A On Snow Creek, Indian Territory.
Q How far is that from Coffeyville, Kansas ?
A Six miles south-east.
Q You have lived in the Cherokee Nation ?
A Yes sir.
Q You get your mail at Coffeyville ? A Yes sir.
Q Your full name is George W. Gunter ? A Yes sir.
Q You have never lived out of the Cherokee Nation in your life ?
A No sir.
Q The only time you were out was when you were sent to the penitentiary ? A Yes sir.

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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 November 18, 1902.

B A Jones
Notary Public.

Cherokee D 521

H.A.L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Michael R. Miser for the enrollment of his step-son, George W. Gunter, as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

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The record in this case shows that on October 15, 1900, the applicant, Michael R. Miser, appeared before the Commission at Nowata, Indian Territory, and then and there made personal application for the enrollment of his wife, Sarah Miser, his child, Sheridan Miser, and his three step-children, Luman Gunter, Jumbo Morris, and George W. Gunter, as citizens by blood of the Cherokee Nation. Michael R. Miser is listed on Cherokee Roll Card Field No. R 266 and Sarah Miser, Sheridan Miser, Luman Gunter, and Jumbo Morris, are listed for enrollment on Cherokee Roll Card Field No. 4420, and the matter of the application for their enrollment is not considered at this time.

It appears from the evidence in this case that George W. Gunter, at the time of this application imprisoned at Columbus, Ohio, is the son of Sarah Miser, a native Cherokee, by a former husband, Keekee Gunter, a Cherokee.

The mother of George W. Gunter is identified on the Cherokee tribal roll of 1880 as Sarah Gunter, her name at that time, and George W. Gunter is also identified on that roll and on the Cherokee census roll of 1896.

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress June 28, 1898. (30 Stats., 495.)

Cherokee D 591 - 2 -

It is therefore the opinion of this Commission that Edgar V. Sawyer is lawfully entitled to be enrolled as a member by blood of the Cherokee Tribe of Indians in Indian Territory and that the application for his enrollment as such should be granted and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby,
Acting Chairman,

Commissioner,

C. R. Breedlove
Commissioner.

Muskogee, Indian Territory,

(SIGNED) W. E. Stanley.

this JUN 1 - 1903

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-591.

Muskogee, Indian Territory, July 9, 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 June 1, 1903, granting the application of Michael R. Mizer for the enrollment of his step-son, George W. Gunter, as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Commissioner in Charge.

Enc. H-32.

IN THE MATTER OF THE APPLICATION OF

George W. Gunter

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 15/00
B Memo of application Oct 15/00
C Notice of final consideration, 3/5/02
D Order closing testimony 3/5/02

Transferred to Cherokee 0262

See Jacket [illegible] 256

Cher D 592

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., OCTOBER 10th 1902.

IN THE MATTER OF THE APPLICATION OF William A. Keen for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A William A. Keen.
Q How old are you? A Twenty two.
Q What is your Postoffice? A Coffey ville.
Q In what District do you live? Cooweescoowee? A Yes sir.
Q Whom do you want to enroll? A Myself, wife and one child.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A White.
Q How long have you lived in the Cherokee Nation? A All my life nearly.
Q Were you born here? A Born in Missouri.
Q How old were you when you came here? A I do not know.
Q Are you on the roll of 1880? A I do not know.
Q Give me the name of your father? A Anderson Keen.
Q Is he dead or living? A Living.
Q Give me the name of your mother? A Nancy Ann Keen.
Q Is she living or dead? A Living.
Q Were your father and mother admitted to citizenship by the Cherokee Government or Council? A Yes sir.
Q When? A I do I think.
Q Have you the certificate of admission? A My father has it.
Q Give me the name of your wife? A Georgia M. Keen.
Q How old is she? A Twenty one.
Q When did you marry her? A January 16th, 1899.
Q She has lived with ever since, has she? A Yes sir.
Q And in the Cherokee Nation? A Yes sir.
Q Give me the name of your child? A Wilma Pearl.
Q How old is the child? A Nearly one year.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q What was her name when you married her? A Hesler.
Q You have lived in the Cherokee Nation ever since you were admitted in 1889? A Yes sir; I think it was 1888.

The applicant presents an illuminated certificate of marriage, showing that he was married to his wife, as stated by him, by H. D. Zumwalt, Probate Judge at Independence, Kansas. This is returned to the applicant.

(1880 Roll, Page 193, #2054, William A. Keen, Cooweescoowee Dist)

The applicant applies for the enrollment of himself, his wife and one child. He claims to have been admitted to Cherokee citizenship in 1888; He states that he has lived in the Cherokee Nation ever since his admission; He is identified on the roll of 1880, as a native Cherokee; To await official evidence of his admission to citizenship, his application will be placed upon a doubtful card; He will be classed as a Cherokee by blood.

His wife is shown to have recently been married to him, January 16th, 1899; Neither he nor his wife were ever married before; Her marriage is too late to entitle her to enrollment under the Cherokee law of 1893, and the application for her enrollment is rejected.

When the Commission is supplied with a certificate of the birth of the child, Wilma Pearl, this child also will be listed for enrollment as a Cherokee by blood, upon a doubtful card, to await official evidence of the admission of her father to citizenship, as indicated in the testimony.

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The undersigned, being sworn, states that, as stenographer to the

[redacted]

[redacted]

[redacted]

COMMISSIONER.

SUPPLEMENTAL - TESTIMONY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., OCTOBER 15th, 1900.

IN THE MATTER OF THE APPLICATION OF William A. Keen for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A William A. Keen.
Q You made application a while ago for enrollment? A Yes sir.
Q You were not able to produce evidence of your admission to citizenship? A No sir.

The applicant now presents an official copy of the records of the Commission on Citizenship of the Cherokee Nation, showing that on the 25th day of September, 1882, certain persons were admitted to citizenship by the Cherokee Commission, and among them appears the name of William Anderson Keen.

Q That you claim is your name? A Yes sir.
By the Commission: "This is recognized as official evidence of the applicant's admission, and this testimony will be filed with his previous application".

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

A P Chamberlin

Subscribed and sworn to before me this 15th day of October, 1900.

J B Leeper

COMMISSIONER.

[illegible] for final consideration as its al-
[illegible] Indian Territory, on the 6th day of March,
1902, receipt has been acknowledged of the Commission's letter
and the applicant this day, to-wit: the 11th day of March, 1902,
appeared in person.

There is offered in evidence a certificate of marriage of William
[illegible] Keen and Angelia M. Keener were united in marriage on the
15th day of January, 1895, by J.D.Terrell; probate judge.
Same is filed herewith.

There is also offered in evidence a certified copy of a
certificate issued from the office of the Cherokee Commission
on [illegible], showing that Nancy Ann Keen and William Ander-
[illegible] were enrolled on [illegible] in [illegible] Keen
band Commission, which [illegible] Alex
[illegible] Commissioner, [illegible]
[illegible] This document is filed.

[illegible]
[illegible]
BY COMMISSION:

Q What is your name? A William A [illegible] Keen.
Q How old are you? A [illegible]
Q Where do you live? A [illegible]
Q Any other statement [illegible] relative to your appli-
cation for the enrollment of yourself and children as members of the
Cherokee Nation? A No sir.
Q Do you submit the case to the Commission for final consideration?
A Yes sir, only a right in recent decisions where the have got
Q. Instead of A. They made a mistake about that.
Q You submit the case to the Commission for final consideration?
A Yes sir.

"R"

Cherokee D 592.

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William A. Keen for the enrollment of himself and child as Cherokee citizens.

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

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

There is offered in evidence a certificate showing William G. Keen and Maggie M. Hester were united in matrimony on the 16th day of January,1899, by H.D.Ferrell; probate judge. Same is filed herewith.

There is also offered in evidence a certified copy of a certificate issued from the office of the Cherokee Commission on Citizenship, showing that Nancy Ann Keen and William Anderson Keen were admitted to citizenship in the Cherokee Nation by said Commission, of which Thomas Tehee was President, Alex Wolf and T. F. Thompson, Commissioners, D.W.C.Duncan, Clerk, on the 25th day of September,1882. This document is also filed.

WILLIAM A. KEEN, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q What is your name? A William Anderson Keen.
Q How old are you? A 23.
Q Where do you live? A Nine miles south-east of Coffeyville.
Q Any further statement you desire to make relative to your application for the enrollment of yourself and child as citizens of the Cherokee Nation? A No sir.
Q Do you submit the case to the Commission for final consideration?
A Yes sir, only a mistake in thecertificate where they have got G. instead of A. They made a mistake about that.
Q You submit the case to the Commission for final consideration?
A Yes sir.

BY COMMISSION: The applicant on behalf of himself and child, and the representative of the Cherokee Nation on behalf of the Nation submit the case to the Commission and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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

M D Green
Stenographer.

Cherokee D 592

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

In the matter of the application for the enrollment of William A. Keen and his two minor children, Wilma P. and Dora Olive Keen, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 15, 1900, William A. Keen appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his minor child, Wilma P. Keen, as citizens by blood of the Cherokee Nation. The application included his wife, Maggie M. Keen, but, as she is differently classified, she is not embraced in this decision. Further proceedings in the matter of this application were had at Muskogee, Indian Territory, on March 5, 1902.

The evidence shows that the said William A. Keen, a Cherokee by blood, who was admitted to Cherokee citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on September 25, 1882, was lawfully married on January 16, 1899, to Maggie M. Hesler, a white woman. The said William A. Keen is identified on the Cherokee Census roll of 1896. Two children, Wilma P. and Dora Olive Keen, were born on November 7, 1899, and December 17, 1901, respectively, to William A. Keen and his wife, Maggie M. Keen, and proper proof of their births has been furnished this Commission.

The evidence further shows that the said William A. Keen has lived in the Cherokee Nation ever since his admission to Cherokee citizenship in 1882.

It is, therefore, the opinion of this Commission that William A. Keen, Wilma P. Keen, and Dora Olive Keen should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495.), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

T. A. Rickards
Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 18 1902

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D

Vinita, I. T., Feb. 18, 1902.

S. S. Smith, Esq.,
Vinita, I. T.

Dear Sir:

In the matter of application for enrollment of Willis Keen. He was put on a doubtful card at the time of his enrollment because he did not have the certificate of admission. He got this, however, the same day and supplied it, and that was all that was required of him. There is nothing more for him to do. The Commission will pass finally on his case when it comes up before them.

Yours very truly,

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

REFER IN REPLY TO THE FOLLOWING
Cherokee D 592.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of William A. Keen for the enrollment of himself and his children, Wilma P. and Dora Olive Keen, as citizens by blood of the Cherokee Nation.

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

Very respectfully,

Acting Chairman.

Enc. C. No. 4.

IN THE MATTER OF THE APPLICATION OF

William A Keen

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct. 5/00
B Mem of application Sept 15/00
C Supplementary testimony Oct 5/00
D Birth certificate, Hilma P. Keen.
E Notice of final consideration, 3/15/02

Cher D 593

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOWATA, I.T., OCTOBER 15th, 1900.

IN THE MATTER OF THE APPLICATION OF Susann Shamblin, her husband and children for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Susann Shamblin.
Q How old are you? A Twenty seven.
Q What is your Postoffice? A Coffeyville.
Q In what district do you live; Coowescoowee? A Yes sir.
Q Who is it you want to have put on the rolls?
A Myself and family.
Q Have you a husband? A Yes sir.
Q And how many children? A Four.
Q You do not make your home in Coffeyville? A No sir.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your husband? A Cherokee.
Q How long have you lived in the Cherokee Nation: All your life?
A Yes sir; ever since I can remember.
Q Were you born here? A I was born in North Carolina.
Q When did you come here? A They brought me here when I was a little over a year old.
Q You are on the roll of 1880? A Yes sir.
Q What is your father's name? A James Murphey.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Isabelle Murphey.
Q Is she dead? A No sir.
Q Give me your husband's name? A George Shamblin.
Q How old is he? A I do not know.
Q About how old is he? A About thirty five.
Q Was he born in the Cherokee Nation? A He says he was.
Q You think he was? A Yes sir.
Q Do you think he has lived here all his life? A Yes sir.
Q Give me the name of his father? A Arnold Perry Shamblin.
Q Is he dead? A Yes sir.
Q What is your husband's mother's name? A Martha Jane, I think.
Q Is she dead? A Yes sir.
Q When were you married to your husband? No response - hands paper to Commissioner.
Q Married January 1st, 1888, were you? A Yes sir.
Q Were you ever married except to him? A No sir.
Q Was he ever married except to you? A No sir.
Q You have lived together ever since your marriage? A Yes sir.
Q Now give me the names of your children please? A Bessie Bell.
Q How old is she? A Born October 1st, 1890.
Q About ten years old? A Yes sir.
Q The next child? A Pleas Floyd.
Q How old is he? A Born December 29th, 1892.
Q About eight years old? A Yes sir.
Q Next child? A Stephen D.
Q How old is that child? A Born October 21st, 1895.
Q Five years old? A Yes sir.
Q How the next child? A Bert Anderson
Q How old is that child? A Born June 22nd, 1899.
Q One year; a little over? A Yes sir.
Q These children are all living now, are they? A Yes sir.
(1880 Roll, Page 287, #1730, Susie Murphy, Delaware District)
(1896 Roll, Page 531, #2807, Susan Shamblin, Delaware District)
(1896 Roll, Page 531, #2806, George Shamblin, Delaware District)
(1896 Roll, Page 531, #2808, Bessie N. Shamblin, Delaware D'st)
(1896 Roll, Page 531, #2809, Pleas Shamblin, Delaware District)
(1896 Roll, Page 531, #2810, Stephen D. Shamblin, Delaware D'st)

The applicant applies for the enrollment of herself, her husband and four children: She is identified on the rolls of 1880 and 1896,

as a native Cherokee; she has lived in the Cherokee Nation ever since 1880, and she will be listed now for enrollment as a Cherokee by blood.

Of her four children, the first three are identified with her on the roll of 1896. They are living now, and they will be listed for enrollment as Cherokees by blood.

When the Commission is supplied with a certificate of the birth of her youngest child, Mart Anderson Shoghlin, this child also will be listed for enrollment as a Cherokee by blood.

As for the application for the enrollment of the applicant's husband, she states that he is a Cherokee. They were married January 1st, 1888; she thinks he has lived in the Cherokee Nation all his life, but he is not identified on the roll of 1896, nor is there any evidence of his ever having been admitted to Cherokee citizenship. He is identified on the roll of 1896. In the present state of the application for his enrollment, his name will be placed on a doubtful card to await more satisfactory evidence of his being a Cherokee citizen.

---

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

R. P. Crawford

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

COMMISSIONER.

FILED

MAR 12 1962

ACTING CHAIRMAN

R

C. D593

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March5,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of George Shamblin for the enrollment of himself as a Cherokee citizen.

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

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March,1902; and that he would on said date be given an opportunity to appear in person or by attorney and introduce any further testimony affecting his application; receipt has been acknowledged of the Commission's letter; the applicant having this day, to wit: March 5th,1902, been called three times and failing to respond, either in person or by attorney, it is directed that the case be closed and same be reported to the Commission for final decision based upon the evidence now of record.

---

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

M D Green

Cher
Supp'l to D 593

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 9, 1903

In the matter of the application of GEORGE SHAMBLIN, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

GEORGE SHAMBLIN, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name ? A George W. Shamblin.
Q How old are you ? A I am about thirty eight years old, will be sometime in May.
Q What is your post office ? A Centralia at the present time.
Q Do you claim to be a Cherokee by blood ? A Yes sir.
Q Where were you born, Mr. Shamblin ? A Well sir, I can't tell you, only just on hearsay. I was born here in the Cherokee Nation is what I have always been taught.
Q What part of the Nation ? A Up here on Neosho river close to a little town up here on the line, I forget the name of it; Chetopa I believe they call it, somewheres right there close, that's what I have been taught.
Q What was your father's name ? A Arnold Shamblin.
Q Was he a Cherokee or a white man ? A He was a white man, they always told me.
Q Was he a citizen ? A That's a hard question for me to answer.
Q What was your mother's name ? A Her name was Martha Blythe.
Q That was her name before she married your father ?
A Yes sir.
Q Are your parents both dead ? A Yes sir.
Q How long have they been dead ? A They died when I was right small. My father died when I was five years old, and my mother died when I was four or five months old.
Q Where have you been living all your life ?
A I have been living here in the Territory, and anywhere I could get to live, I have been living here for about twenty four years; I lived where I could, I had nobody to take care of me, and lived most of the time in the Territory.
Q For the past twenty four years you have been living in the Indian Territory continuously ? A Yes sir.
Q Where were you living in 1880 ? A Well lets see, I must have been around about Honey Creek.
Q Do you know why your name aint on the roll of 1880 ?
A No sir, I don't, without the census takers missed me someway, they did miss several.

--An examination of the Cherokee Pay Roll of 1883, for Delaware District, shows that the applicant is identified on that roll at page 95, # 27, as George Shamblen; and on the Cherokee Pay Roll of 1886, at page 85, # 2167, as George W. Shamblin.

Q You have been living in Delaware District, have you, most of the time ? A Yes sir a good deal. I have been here in Cooweescoowee some.
Q But you have never had a home outside the Cherokee Nation ?
A No sir.
Q Are you married ? A Yes sir.
Q What is your wife's name ? A Her name is Susan.
Q Is she a white woman ? A No sir.
Q She's a Cherokee ? A Yes sir.
Q What was her name when you married her ? A Susan Murphy.
Q She's a Cherokee by blood, is she ? A Yes sir.

Q What degree of blood does she claim ? A Well sir, I can't hardly answer that question.
Q Is her name on the roll of 1880 ? A I think so, I think she's on all the rolls.
Q When did you marry her ? A I don't know just what year I did marry her, but I have been married about twelve or fifteen years I guess. I don't know just what year.
Q Have you been living together ever since that time ?
A Yes sir, only just a little once in a while. Yes sir we have been living together.
Q Right along ? A Yes sir.
Q Living together now ? A Yes sir.
Q Have you any children ? A Yes sir.
Q What are their names ? A One's named Bird Shamblin, another one Stephen D. Shamblin, and Betsy Shamblin and Dee Shamblin. She enrolled them but I don't know just how she enrolled them.
Q Did you apply for the enrollment of your wife and family, or did she ? A She did.
Q She applied for you and the children ? A Yes sir.
Q Have any of your children died since you enrolled them ?
A No sir.
Q Where have you and your wife been making your home since you were married; what town ? A Part of the time over in that district over across the river, and part of the time here in this district.
Q What is your occupation, farmer ? A Yes sir.
Q You want to be enrolled now under the name of George W. Shamblin, fo you ? A Yes sir.
Q Did you have a sister who was admitted or re-admitted to citizenship in the Cherokee Nation ? A Yes sir.
Q Annie Keen. Has she been out of the Cherokee Nation ?
A Not since she was a small child I guess.
Q Was she out then ? A I don't know much about her, or how she was.
Q Was she a full sister ? A Yes sir, we were just scattered from place to place, and had to get a home where we could.
Q After your parents' deaths ? A Yes sir.
Q Do you know where she was taken to ? A No sir.
Q When was she re-admitted ? A I don't remember what year it was. She was small.
Q Was she re-admitted after she was married ? A Yes sir.
Q You have never been out of the Cherokee Nation ?
A I don't know; I suppose I have been out, but not since I can remember.
Q Who brought you up ? A Just anywheres I could find my home, I stayed a good deal with Mr. Keen, when I was a small boy.
Q Where does he live ? A Over here in the other district, on Cowskin prairie.
Q You just lived around anywhere you could find a home ? Worked for people did you ? A Well, yes sir, I generally had to work or get out, one of the two things; I thought it was a pretty tough way of getting through.
Q You have been in the Cherokee Nation ever since you could remember ? A Yes sir ever since I was a kid, of course I have been out and in, but I have always made my home here ever since I could.
Q Do you remember drawing money in 1883 ? A Yes sir, I think my sister drawed money for me.
Q You got it ? A Yes sir.
Q Have you voted at Cherokee elections right along ?
A Yes sir.
Q Your citizenship has never been disputed has it ?
A Not as ever I heard of until now.

[illegible]

[illegible]

Subscribed and sworn to before me this [illegible]

[illegible]

Notary Public

Cherokee N. [illegible].

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

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

D E C I S I O N.

The record in this case shows that on October 1[illegible], 1[illegible], Susan Chamblin appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her husband, George W. Chamblin, as a citizen by blood of the Cherokee Nation. The application also included herself and minor children but they are not embraced in this decision, their names being upon the partial roll of Cherokee citizens by blood approved by the Secretary of the Interior on October 6, 1[illegible], at numbers 1[illegible], 1[illegible], 1[illegible], 1[illegible], 1[illegible] and 1[illegible]. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on February [illegible], 1[illegible].

The evidence shows that George W. Chamblin is a Cherokee citizen by blood and is identified on the Cherokee pay rolls of 1883 and 1886, also the Cherokee census roll of 1880. The evidence further shows that the said George W. Chamblin was born in the Cherokee Nation and has resided continuously in the Indian Territory all his life.

It is, therefore, the opinion of this Commission that George W. Chamblin should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

(SIGNED).

T. B. Needles.

(SIGNED).

(SIGNED).

[illegible]

Dated at Muskogee, I. T.,

this MAR 20 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-593

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 20, 1903, granting the application of Susann Shamblin for the enrollment of her husband, George W. Shamblin, as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Chairman.

Enc. M-263

IN THE MATTER OF THE APPLICATION OF

George Shamblin

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct/5/00

B Memo of application Oct 15/00

C. Notice of final consideration, 3/5/02

D Order closing testimony, 3/5/02

See Jacket #4133

Cher D 594

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 15, 1900.

In the matter of the application of Samuel H. Hawkins for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give your full name? A Samuel H. Hawkins.
Q How old are you? A 41.
Q What is your post office? A Edna, Kansas.
Q Do you live in Coweskoone district? A Yes, sir.
Q Who is it you want to enroll yourself and family? A Yes, sir.
Q You have a wife? A Yes, sir.
Q How many children? A Six.
Q Are you a Cherokee by blood? A No, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Let me see your marriage license and certificate?
(The applicant presents an official copy of the records of Coweskoone district, showing that license was issued to him on October 28, year not given, to marry Mrs. S. A. Hawkins, a citizen of the Cherokee Nation. The list of the petitioners is given and the document is stated as recorded on the 20th day of November, 1887.)
Q Where is your certificate of marriage showing that you were married in accordance with said license? A I haven't got it.
Q You were married in accordance with the license? A Yes, sir.
Q What did you do with your certificate? A I lost it.
(The document just referred to is filed herewith.)
Q Who married you? A A minister of the Gospel at Vinita named Postell.
Q And when you got your certificate of marriage, what did you do with it, did you send it to the Clerk of the Coweskoone district?
A No, sir, I don't think I did, I don't think it was ever recorded.
Q Have you anybody here who knows that you and your wife lived together as husband and wife? A Yes, sir, this gentleman right here.

Albert Morris, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name, please? A Albert Morris.
Q How old are you? A 53 years old.
Q What is your post office? A Nowata
Q Do you know the applicant here, Mr. Samuel H. Hawkins? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q Do you know anything about he and his wife being married in accordance with the Cherokee law? A I do not.
Q Do you know how long they have lived together as husband and wife?
A They have lived together about eighteen or nineteen years.
Q You have known them as husband and wife that long? A Yes, sir, somewhere near about that.
Q But you don't know anything about their being married in accordance with Cherokee law some thirteen years ago? A No, sir.

Samuel H. Hawkins, recalled, testified:
Q You were married to your wife under United States law prior to this marriage? A Yes, sir, in 1885.
Q Now have you and your wife lived together in the Cherokee Nation ever since you were married in 1885? A Yes, sir.
Q Give me your wife's full name? A Eleanor.
Q How old is your wife? A 35 or 36
Q What was her name when you married her? A Kelsey.
Q That was her maiden name, was it? A No, she had been married I think.
Q What was her maiden name, before it was Kelsey? A Her maiden

Samuel H. Hawkins - 2.

maiden was Dannay.

Q Give me the name of her father? A Lewis Dannay.

Q Is he dead? A Supposed to be.

Q Give me the name of her mother? A Eliza.

Q Is she dead? A No, sir.

Q Was your wife born in the Cher. Nat. Nation? A I think so.

Q Has she lived here all her life? A Yes, sir.

Q What was her name in 1880, was she a Dannay or a Kelsey? A In 1880 it was Kelsey.

Q Now give me the names of your children, please? A Walter H. Hawkins, 16 years old.

Q The next child? A Ralph, 14 years old.

Q The next child? A Maud, 12 years old.

Q The next child? A Samuel O., about ten.

Q The next child? A Edith, she is I think 8 or 9.

Q The next child? A Ruby, 5 years old.

Q The next child? A That is all.

Q Are they all living? A Yes, sir.

Q What was the name of her husband, Kelsey? A Jim.

Q He is dead, is he? A Supposed to be, I don't know.

Q Was your wife separated from her husband, Kelsey? A Yes, sir.

Q Did they get a divorce? A I don't know anything about it.

Q You haven't got any copy of the decree of divorce? A No, sir.

Q You think they didn't get a decree of divorce? A I think they didn't, as far as I know.

Q When did they separate? A I don't know exactly, about 1880 I think.

Q And you were never married except to this wife? A No, sir.

(Eleanor Hawkins on 1880 roll, page 136, No. 1600, Leaney Kilsey, Coowescoowee district; on 1896 roll, page 177, No. 3359, Lena Hawkins, Coowescoowee district. Samuel H. Hawkins on 1896 roll, page 306, No. 486, Coowescoowee district. Walter H. Hawkins on 1896 roll, page 177, No. 3360, William A. Hawkins, Coowescoowee dist. Ralph Hawkins on 1896 roll, page 177, No. 3361, Coowescoowee district. Maud Hawkins on 1896 roll, page 177, No. 3362, Coowescoowee district. Samuel O. Hawkins on 1896 roll, page 177, No. 3363, Samuel H. Hawkins, Coowescoowee district. Edith Hawkins on 1896 roll, page 177, No. 3364, Coowescoowee district. Ruby Hawkins on 1896 roll, page 177, No. 3365, Coowescoowee district.)

The applicant applies for the enrollment of himself, his wife and six children. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee, she has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood. Her six children are all identified with her on the roll of 1896, they are all minors, and are living at this time, and they will be listed for enrollment as Cherokees by blood.

The applicant presents incomplete evidence, filed herewith, of his marriage to his wife in accordance with Cherokee law in November, 1887, he states that they were married under United States law in 1883, and they have lived together as husband and wife ever since his first marriage. He is identified with his wife on the roll of 1896, but in addition to the incompleteness of his evidence of marriage in accordance with Cherokee law, it also appears from the testimony that his wife was married prior to her marriage to him, and he is of the opinion that no divorce was obtained between his wife and her former husband. He isn't able to present any evidence to the effect that they were lawfully divorced at this time. For the further consideration of the evidence of his having been married to his wife in accordance with Cherokee law, and to await evidence showing that she was lawfully divorced from her former husband, who is not even now known to be dead, the application for the applicant's own enrollment will be placed upon a doubtful card.

Additional testimony.

Q What was the cause of the separation between your wife and her

[illegible] have below and a living wife,

[illegible] between [illegible] and

[illegible] that the [illegible] was

[illegible]

[illegible]

[illegible] the condition [illegible] proceedings and testimony [illegible] true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 26th Of October, 1960.

Commissioner.

R

C D594

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

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Samuel N. Hawkins for the enrollment of himself as a Cherokee citizen.

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

STATEMENT: The applicant was notified by registered letter February 24,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory on the 5th day of March,1902, and that on said date he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application; he was also notified to supply the Commission with a certificate of his marriage, and a certified copy of the decree of divorce of his wife, Eleanor from her former husband, one Kelsey.

The applicant having been called this day, to-wit: 5th day of March,1902, three times, and failing to respond, either in person or by attorney,it is directed that the case be closed and reported to the Commission for final decision based upon the evidence now of record.

---

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

M D Green

Cher D-594

1887.

Oct. 28, Issued Marriage License to S.H. Hawkins a citizens of the United States to marry Mrs. S.H. Hawkins a citizen of the Cherokee Nation.

Petition signed by the following named six persons; W.S. Trott, A.F. Chamberlain, H.H. Trott, L.W. Buffington, T.F. Thompson, C.W. Poole, J.L Dameron and Davis Hill.

Recorded on the 20th day of Nov. 1887.

Wm.V. Carey, Clk. C.D.C.N.

Executive Department, Cherokee Nation,

Tahlequah, Ind. Ter.

I hereby certify that the foregoing is a correct copy from the Marriage Record of Goweesecowee District, Cherokee Nation, so far as the same relates to the parties herein named, said record being now in this office and in my legal care.

Given under my hand and seal of office on this the 20th day of June 1902.

J.T. Parker

Executive Secretary.

Executive Office Cherokee Nation,
Tahlequah IT.

This is to certify that I have examined the records mentioned in the within letter, and fail to find in marriage record of Cooweescoowee District, any record of a marriage between James Kelsey and Elina Denny neither can I find on the Court records of said District any record of a divorce to said Kelsey, that the above named records have been filed in this office by law and are in my legal custody.

Given under my hand and seal of the Cherokee Nation this the 24 day of February 1902.

R. W. Abbey
Asst. Ex. Secretary,
Cherokee Nation.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D

C. D. 594

Muskogee, I. T. Feb. 2[illegible], 1902.

Mr. B. W. Alberty,
Tahlequah,
I. T.

Dear Sir:-

Please examine the record of Coweescoowee before the year 1890, and see if you can a record of the marriage of James Kelsey to Elina Denny, and if so send us a certified copy of that record, also examine the Circuit court record, and see if you can find a record of the divorce between these two parties, and if so send us a certified copy of the decree, and if you can not find any record of this divorce, send us a certificate to that effect.

Yours very truly,

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. C. D. 594

Muskogee, I. T. Feb. 27, 1902.

Dear Sir:-

A man by the name of Samuel H. Hawkins has applied to the commission for enrollment as a citizen of the Cherokee Nation by intermarriage. Hawkins states that his wife was married to a man by the name of James Kelsey, before he married her, and that they separated, and he thinks that she got a divorce from him. Please advise us if you know where Jim Kelsey lives now, an if he is living, of if he is dead, please advise whrn he died.

Yours very truly,

T. Nathan

William Dodge,

Nowata,

I. T.

I cannot find any such a person any where in this part of the country.

Respectfully

Wm. Dodge

Cole I cant find any
Samuel H. Hawking I think
they must live near Bluejacket
as there is some Hawkings living
in that part of the Country
the Kelsey live in that part
of the Country if they have not
moved off from there
he dont get his Mail here
where did he give his Postoffice
let me know perhaps I can
find him

Yours &c
John H Cosby

C. D. 1594

THE MATTER OF THE APPLICATION OF

Samuel Hawkins

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 15/00
B Memo of application Oct 15/00
C Certified copy of marriage license
D Notice of final consideration, 3/5/02
E. Order closing testimony 3/5/02

OCT 25 190

Box Jacket 11 11 39

Cher D 515

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 15th, 1900.

In the matter of the application of Cornelius Sanders for the enrollment of his cousin, WALTER LEE, as a citizen of the Cherokee Nation; said Sanders being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Cornelius Sanders.
Q How old are you? A 27.
Q What is your post office? A Winer.
Q You live in Geweesaoowee district? A Yes, sir.
Q Who is it you want to apply for now, a cousin of your? A Yes, sir.
Q Who is it? A Walter Lee.
Q How old is he? A He is about 22.
Q Why does not he apply for himself? A He is in the penitentiary.
Q What is his post office? A Jefferson City, Missouri.
Q For how long a term is he in the penitentiary? A About five years yet.
Q What district is it he lives in herdin the Cherokee Nation? A Canadian.
Q What is his post office here? A McLain.
Q Was he born in the Cherokee Nation? A Yes, sir.
Q Has he lived here all his life? A Yes, sir.
Q Is he Cherokee by blood? A Yes, sir.
Q What is the name of his water? A Walter.
Q Is his father living? A Dead.
Q What is the name of his mother? A Polly.
Q Is she alive or dead? A Dead.
1880 enrollment; page 707, #800, Walter Lee, Jr., Sequoyah.
1896 enrollment; page 44, #1213, Walter Lee, Canadian.
Q What was he put in the Penitentiary for? A Stealing.

Com'r Breckinridge:--The applicant applies for the enrollment of his cousin, whom is in the Penitentiary at Jefferson City, Missouri and cannot apply for himself: This cousin, Walter Lee, is identified on the rolls of 1880 and 1896 as a native Cherokee. He is said to have lived in the Cherokee Nation all his life, except, of course, his present term of confinment in prison, and he will now be listed for enrollment as a Cherokee by blood, upon a doubtful card, in order that the Commission may consult the official records.

---oooOOOooo---

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 15th day of October, 1900.

C. R. Breckinridge

Commissioner.

Cherokee D-595.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for the enrollment of Walter Lee as a citizen by blood of the Cherokee Nation.

—o—

On the 15th day of October, 1900, Cornelius Sanders appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his cousin, Walter Lee, as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time Walter Lee was placed upon a doubtful card, as the evidence showed he was in the penitentiary and an opportunity was desired to consult the official records as to the truth of such statement.

No further evidence has been submitted, nor is the same considered necessary and the following decision is rendered:

D E C I S I O N .

From all the evidence of record in this case it appears that Walter Lee is a Cherokee Indian. He is identified on the authenticated tribal roll of 1880 and the Cherokee census roll of 1896. He has lived all his life in the Cherokee Nation.

This Commission in making rolls of citizenship of the Cherokee Nation is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats.,495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

[illegible]

[illegible]

By blood of the Cherokee Nation, [illegible]

[illegible]

[illegible]

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F D. C. D. 595.

Muskogee, I. T., Feb. 26, 1902.

B. W. AlbertY, Esq.,

Tahlequah, I. T.

Dear Sir:

Please examine the records of the acts of the National Council between 1880 and 1894 and see if You can find an act of the National Council granting a divorce to SweetY Hitchens or Eliza E. Hitchens from her husband, whose name was Hitchens; I do not know his first name. If You find this record send us a certified copY of the act of the National Council.

Yours trulY,

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

REFER IN REPLY TO THE FOLLOWING

D - 595.

Muskogee, Indian Territory, May 21, 1902.

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

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Walter Lee for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-595.

IN THE MATTER OF THE APPLICATION OF

Walter Lee

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 15/00
B Memo of application Oct 15/00

Sept 16, 1902 Canceled and
transferred

Enrolled

Cher D 596

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 18, 1900.

In the matter of the application of Sarah E. Nicholson for the enrollment of herself as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your full name? A Sarah E. Nicholson.
Q How old are you? A 28 years old.
Q What is your post office? A Ramona.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to have put on the roll, yourself? A Just myself is all.
Q Are you a Cherokee by blood? A No, sir, adopted.
Q What was the name of your husband? A Richard Henry Nicholson.
Q Is he dead or alive? A He is alive.
Q He is a Cherokee citizen? A Yes, sir.
Q How old is he? A He is 38 years old.
Q When were you married to him? A In 1894.
Q Have you a certificate of your marriage? A Yes, sir.
(The applicant presents a certificate establishing the marriage between Richard Henry Nicholson and Sarah E. Heindselman on April 27, 1894, the Rev. John M. Watson officiating. This is filed herewith.)
Q Heindselman then was your maiden name? A Yes, sir.
Q You were never married except to your husband Nicholson? A No, sir that was all.
Q Was he ever married except to you? A No, sir.
Q Are you and he living together? A No, sir.
Q How long did you live together after your marriage? A Two years and six months.
Q Was he born in the Cherokee Nation? A No, sir, he was born in Texas.
Q When did he come to the Cherokee Nation? A I can't tell you when he came here.
Q You can't tell how long he has lived in the Cherokee Nation? A He has lived here about 12 years.
Q Do you know whether he is on any of the rolls of the Cherokee Nation? A Yes, sir, he is on all the rolls.
Q Where is he living at this time? A He is in the Osage country now.
Q I see your husband is spoken of in this certificate at living at Talala; that is in this district, is it, Cooweescoowee? A Yes, sir, that is his home.
Q Now tell me something about your husband living in the Cherokee Nation as definitely as you can; you think he came here about 12 years ago from Texas? A Yes, sir.
Q Had he made his home in Texas always previous to that time?
A Ye , sir.
Q Before he came here to live he made his home in Texas? A Yes, sir.
Q About twelve years ago his home was in Texas? A Yes, sir.
Q Was he admitted to citizenship by the Cherokee Commission or Council? A Yes, sir, he was admitted here, his father was before him, and he has been enrolled since.
Q I don't mean put on the roll, I mean admitted by the Cherokee Commission on Citizenship? A I guess he has.
Q You don't know for certain? A No, sir, I guess he is.
Q You have lieved in the Cherokee Nation ever since you were married to your husband and you haven't married since you separated?
A Yes, sir.
Q Have you procured a divorce? A No, sir.
Q Did you leave him or he leave you? A He left me.
Q He left you at the home you and he occupied? A Yes, sir.
Q Have you continued to live there? A No, sir, I went to
m

my mother's is dive.
Q Give me the name of his father? A Richard.
Q Is he dead or alive? A He is dead.
Q Give me the name of his mother? A Didipher.
Q Is she dead or alive? A She is alive.
(On 1880 roll, page 149, No. 2088, Richard Nicholson, Coowescoowee district. 1896 roll, page 224, No. 3544, Richard H. Nicholson, Coowescoowee district. Sarah E. Nicholson on 1896 roll, page 318, No. 758, Coowescoowee district.)

The applicant shows that she was married to her husband in 1884, and she states that neither she nor her husband were ever previously married. She lived with her husband some two years and a half, and they separated. No divorce proceedings have been had. She states that her husband abandoned her, and that she hasn't married since he abandoned her. Her husband is somewhat indefinitely identified on the roll of 1880, he is definitely identified on the roll of 1896, as is the applicant also. She thinks that he was admitted to citizenship by the Cherokee Commission some twelve years ago when he came from Texas. She states that she has lived in the Cherokee Nation ever since her marriage. She will now be listed as a Cherokee by adoption and her application will be placed upon a doubtful card for future consideration.

---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 16th of October, 1900.

Commissioner.

"R"

Cherokee D 596

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Sarah E. Nicholson for enrollment as a Cherokee citizen.

Appearances:
J.H.Keith, Coffeyville, Kansas, attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 5th day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: March 5,1902, appears in person and by her attorney, J.H.Keith, Coffeyville, Kansas.

RICHARD HENRY NICHOLSON, being first duly sworn and being examined testified as follows:
BY MR. HASTINGS:
Q What is your name? A Richard Henry Nicholson.
Q What is your age? A 30 years old last September.
Q Are you the former husband of the applicant here, Sarah Nicholson? A I am.
Q You and she were married? A Yes sir.
Q She testified and the certificate shows, in April 1894, is that correct? A Yes sir.
Q How long did you live together? A Very near three years, two years and a half or better.
Q Sometime in 1897? A Yes sir.
Q Where were you living when you separated in 1897? A I was living on a place about six miles east of Talala on the Verdigris river.
Q She testified before the Commission that you lefther, now what I want you to do is to tell the Commission the facts about this separation? A Well sir thefacts about it, I did not leave her, she left me, and told me she was going to leave me before she did leave me.
Q Where did she go? A Went to my sister's; went with my mother to a birth-day dinner and then from there to her mother's.
Q Did she come back? A Not then.
Q How long did she stay? A Three weeks, or a month before I saw her.
Q Did she come back to your place? A Not there to that place while I was there.
Q You never saw her any more there? A Not at that place.
Q What wasthe cause of this separation, what was the cause of the disagreement? A I couldn't say, morethan she just simply got, well she, at the time I got into a little trouble she threatened to leave me at that time.
Q What sort of a trouble? A I got into a fight and was pulled, at Fort Smith before Judge Parker, for assault and intent.
Q Were you acquitted or convicted? A I was acquitted.
Q You had some trouble at that time? A Yes sir.
Q Did she leave you then? A she threatened to, and her mother was there with me, and they started, but she come back.
Q Then you lived on together until in the summer of 1897, is that right? A Yes sir.
Q Didn't you know she was going to leave you when she went off that day? A No I didn't know; she had told me before that she was going toleave me if I didn't leave that place andmoth move out to another near to her mother's.

Q Did you have another place besides the one you lived on? A Yes sir, I did.
Q How far from it? A About 22 or '3 miles.
Q Was that rented out? A Yes sir.
Q Could you get possession of it at that time? A No sir, I couldn't.
Q That is the reason why you didn't comply with her request? A Yes sir.
Q And the morning she went you expected her to return? A Yes sir, right away.
Q And she didn't come back? A No sir, not when I expected, and didn't come back at all with my mother.
Q That was the last separation? A Yes sir, that was the last.
Q Neither of you got a divorce? A No sir.
BY MR. KEITH:
Q Where were you married A At Skiatook Mission.
Q Who married you? A John M. Watson.
Q Where did you go after you were married? A Went to C.L.Harnage's place; I had my place rented; lived there that season and made a crop there.
Q When did you have the first trouble with your wife? A It was better than- after I was married, after I lived there I moved and rented some ground at my mother's.
Q How long have you been living where you now live? A Where I now live?
Q Yes? A Where I now live I have been staying there working, where I now live biggest part of three years.
Q Where have you been living since you and your wife separated? A Been working for man named Collins, in the Osage.
Q All the time? A No sir.
Q Where did you go when you and your wife separated? A Came to Wagoner and went to work for a man named Riddle.
Q How long after you separated from her? A It was about a month, after she left me.
Q Where did you go when she left you? A I sold my place and went to Saint Louis with some stock.
Q How long did you stay in Saint Louis? A Stayed over night, I believe, stayed all night.
Q How long was it before you and your wife separated until you went to Saint Louis? A I don't know, week or two.
Q where did you stay during that week? A Why I stayed, I could not tell exactly where all I did stay, I was around the place, I was working; I worked for a man named Yeeman part of the time, I was improving a place.
Q When you separated? A Yes sir.
Q And you worked there about a week after the separation? A I don't know how long I was there around the place.
Q You and your wife keeping house at the time of your separation? A Yes sir.
Q Did you stay at the house any more? A Yes, I stayed at the house
Q How much more? A I couldn't say about it, how long.
Q Did you stay there a night? A Oh yes.
Q Who stayed with you? A I stayed there several nights.
Q Well, who stayed with you? A I don't know as anybody. I don't remember anybody staying with me.
Q Stayed by yourself? A Yes sir.
Q Where was she? A She was at her mother's.
Q How many times have you separated from her? A There never was but one time that she left.
Q Didn't you know that you separated from her as much as twice? A This was the second time, yes.
Q Well now when was the first separation? A Before that separation?
Q Yes; that is what I am asking you? A The time along a year or more after I had that trouble after I married.
Q You went to the Osage Nation then? A No sir, I did not; she said

she would leave me , her mother was there withher.
Q Where did you go? A I went to her brother's, my sister's.
Q How long did you stay there? A I went there and got him and be come there and took her mother from my place.
Q Then you went back to living together? A Yes sir.
Q How long did you live together at that time? A It was better than a year and a half. It was two years and a half or three years before we separated.
Q At the time she went to this party with your mother did you give her your horse and buggy to go in? A Let them have it, my mother.
Q Where did she go then? A Went to her mother's.
Q And you came over in a cart didn't you to her mother's? A Not for a month or three weeks.
Q Didn't you come over right after her? A No sir.
Q When you did come didn't she want to go home with you? A No sir.
Q Didn't she tell you she wanted to go? A She wouldn't live on that place, wouldn't live with me on that place; she wouldn't have went home with me; if I would move out there; she wouldn't live with me if I wouldn't move on that place.
Q I will ask you if you didn't go there on horseback after that and wanted her to go home with you? A No sir,
Q And didn't she tell you she was sick and ~~xxxxxx~~ chilly and unable to ride behind you? A No sir.
Q And you refused to take her in the cart? A No sir.
Q She refused to live with you? A She did.
Q You have always been willing to live withher? A Up until she bitterly refused, and I didn't think there was no use and I just quit.
Q When was that? A After she left me that time.
Q And never requested her to live with you again; she never begged you? A She never begged me, nor wrote me a line, nor nothing; never asked me to live with her; she said to me that she never had had any sense untilafter we separated, she has told me that several times.
Q You never refused to go withher? A Not until she left me; then I would not go back, because I wouldn't beg her, never went around her nor asked her.
Q After she left you you ref sed to live with her did you? A Of course I refused after she left me.
Q Who did you refuse to? A She was gone.
Q Well who did you refuse to? A You mean that after I left her than you want to know after if she come back to me and begged me if I refused? I refused on these grounds, that if she would live with me and live on that place I would live withher, but she refused to live with me an that place at all if I didn't go to the other place.
Q What did she want you to ~~xxxx~~ leave that place for? A She was not satisfied.
Q And you were? A I was satisfied.
Q You would rather do without your wife than ~~xxxx~~ go to another place? A I didn't want to go to the other place.
Q You said just now you were working for another man? A I worked and got a living out of it and was improving the place at the same time and fencing it.
Q You didn't improve your farm yourself? A I got a little assistance on the outside, worked to get something to live on, a man can't work and live on his place.

BIDIPHER NICHOLSON, being first duly sworn and being examined testified asfollows:
BY MR. HASTINGS:

Q What is your name? A Bidipher Nicholson.
Q What is your post-office? A Talala.
Q Are you the mother of Richard Henry Nicholson? A Yes sir.
Q Are you acquainted with the applicant here, Sarah E. Nicholson?
A Yes sir.
Q Do you know when they separated about August,1897? A Yes sir.
Q Where did she go at that time? A Why she went withme over to my daughter's to a birth-day dinner at that time.
Q How far did you live from your son atthat time, this applicant?
A I guess about a mile, between a mile and three quarters.
Q Her brother married another daughter of yours? A Yes sir, my daughter.
Q And you and she went from there to that place to a birth-day party did you? A Yes sir.
Q How did you go? A We went in my son's buck-board, her husband's. We got his poney; he loaned it to me to go in.
Q Did you know when she left there that she was not coming back with you? A No sir, I didn't know for certain, that she was not coming back with me.
Q Well, did she come back with you? A No sir, she didn't come.
Q Did you hear any words between these people just before you left or when you went from there that morning? A No sir, I didn't hear any words.
Q How long did you stay over there?A. I stayed a day or two, I don't think more than two days.
Q Some little distance over there? A Yes sir, 20 or 25 miles.
Q Did you know when you went from there she was not coming back with you? A No sir, I didn't know for certain that she was not coming; she told me on the road she was not coming back.
Q Did you know when you left his home that she was not coming back? A No, I didn't know for certain that she was not coming at that time.
Q Where did she go to from your daughter's house? A She went from there over to her mother's, she lived on my son-in-law's place and daughters; her mother, Mrs. Hyson.
Q She didn't come back with you? A No sir.
Q Did you let her know when you were coming back? A Yes sir.
Q What did she say? A She said she was going to stay, she was not coming back any more to that place.
Q You went back alone then? A Yes sir, I went back alone.
MR. KEITH waives cross-examination.
BY MR. KEITH: The applicant asks that this case be continued until the 6th day of March,1902, to enable the applicant to produce testimony before the Commission on the subject of abandonment on the part of the husband of the applicant. She states the fact to be that she has been unable to pay the expenses of witnesses to have them voluntarily appear before the Commission, and she is informed and believes that on the morrow these persons she desires to use as witnesses in this application will be before this Commission on business of their own, at which time she can introduce their testimony in her behalf in this case.
BY MR. HASTINGS: I have got no objection.
BY COMMISSION: Case continued until two o'clock p.M. March 6th,1902.
BY MR. KEITH: Whereupon, J.H.Keith, informs the Commission that he will not appear for the applicant any further in this matter.

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

M.D. Green

Cherokee D 596.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 10, 1902.

In the matter of the application of Sarah E. Nicholson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental Proceedings.

SARAH E. NICHOLSON, being sworn, testified as follows:

By the Commission,

Q What is your name, please? A Sarah E. Nicholson.
Q What is your postoffice? A Ramona.
Q What is your age at this time? A Thirty years old.
Q Thirty? A Yes, sir.
Q Are you the same Sarah E. Nicholson that made application to the Commission for enrollment as an intermarried citizen in October, 1900? A Yes, sir.
Q What is your husband's name? A Richard Henry Nicholson.
Q Is he a Cherokee by blood? A Yes, sir.
Q Is he living at this time? A Yes, sir.
Q When were you and he married? A '94.
Q In 1894? A Yes, sir.
Q Where were you married? A Skiatook.
Q Were you ever married prior to your marriage to Mr. Nicholson?
A No, sir.
Q Had he ever been married prior to your marriage to him?
A No, sir.
Q You're his first wife, and he's your first husband? A Yes, sir
Q Have you and Mr. Nicholson lived together as husband and wife from the time of your marriage in '94 to the present time?
A No, sir.
Q You have separated? A Yes, sir.
Q When did you separate? A We lived together just two years and six months.
Q You lived together just two years and six months? A Yes, sir.
Q And have been separated ever since? A Yes, sir.
Q What was the cause of your separation? A Non-support.
Q Did you leave him, or he leave you? A He left me.
Q Where were you living when he left you? A Four or five miles east of Talala.
Q Were you living in the country on a farm? A Yes, sir.
Q Whose farm were you living on? A His farm.
Q What kind of a house were you living in? A Log house.
Q Did he go away and leave you in the house? A Yes, sir, he went away to Caney to his sister's.
Q What did he say to you when he left? A He did not say anything particular. He was gone five days and I didn't know what had become of him.
Q Stayed away five days? A Yes, sir.
Q Well, how long did you stay there at the house after he left?
A I stayed there that day and then went to my neighbor's and stayed all night, and then I stayed until the next evening and went to his mother's.
Q Went to his mother's? A Yes, sir, and then she taken me to Caney.

Q Did he ever come to you after that? A Yes, sir, he came to me, but did not ask me to go home -- only once he came for me to go on horseback, and I told him I was sick, I was chilling, and could not ride horseback.
Q And he never said anything after that time? A No, sir.
Q Have you ever been divorced? A No, sir.
Q Has he ever applied for a divorce? A Not that I knew of.
Q You have never married anybody since you married Nicholson?
A No, sir.
Q You were still his wife in the eyes of the law on the first day of September, 1902? A Yes, sir.
Q Where have you lived since 1894? A With my mother in Ramona, only just in the last two years I came to my brother's at Talala.
Q You have lived in the Cherokee Nation ever since 1894? A Ever since I came to this country.

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

Retta Chick

Subscribed and sworn to before me this 16 day of October, 1902.

B E Jones
Notary Public.

Copy

D596

In the matter of the application for enrollment as a citizen of the Cherokee Nation of Sarah E. Nicholson

Brief on part of applicant

E. C. Lawson atty for applicant

Copy

Before the Dawes Commission, sitting at Muskogee, I. T.

In the matter of the application of Sarah E. Nicholson, for enroll ment as a Citizen of the Cherokee Nation.

Brief, on part of Applicant.

The question involved in this case is simply a matter of fact and is simply to determine whether Richard H. Nicholson abandoned his wife, Sarah E. Nicholson, the Applicant, or whether Sarah E. Nicholson, aban doned Richard H. Nicholson.

Applicant testifies in full that she never abandoned her husband, Richard H. Nicholson and she is supported in her statements by two witnesses, William M. Polsom and Richard W. Looker.

In fact the witnesses William Polsom and Richard H. Looker testi fy that Henry Nicholson told them that he had abandoned his wife and had ceased living with her; that these conversation occurred soon after their separation.

On the other hand the only evedence produced againt the applicant is the evidence of Richard H. Nicholson, the husband and Mrs. Nicholson, the Mother-in-law of the applicant, and even the testimony of applicant's Mother-in-law, was not at all positive or convincing on the part of the separation.

It would seem to us from an unpredjudiced view of the matter that the testimony given by Richard H. Nicholson and his Mother is more or less the result odf predjidice against applicant, and we certainly be lieve that the weight of the testimony of disinterested witnesses is that the desertion was on the part of Richard H. Nicholson and that the appli cant was in no way to blame for the separation and is therefore entitled to enrollment as a Cherokee Citizen.

G B Fawson
Attorney for Applicant.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 15, 1902.

In the matter of the application of
Sarah E. Nicholson for enrollment as a
citizen of the Cherokee Nation. C. D. 596.

Brief on behalf of the Cherokee Nation.

The testimony in this case shows that the applicant was married to one Richard H. Nicholson, a Cherokee citizen by blood, in April, 1894: that they lived together about two and a half years, when she left her husband and did not return. The testimony of both her husband as well as her husband's mother is to the effect that she went to a birthday dinner with her husband's mother and refused to come back. You will observe that the applicant herself was present when this testimony was introduced, and she permitted both of these witnesses to go away, but upon the following day after they were dismissed and not present she took the stand and contradicted these statements, but her testimony ~~xxxxxxxxxx~~ should be weakened for the reason that she declined to contradict them while they were present and could hear what she had to say. Her mother-in-law ~~xxxxx~~ distinctly states that she let her know when she was coming back, and that she did not come back with her, and no reason whatever is given for her refusal to return and live with her husband.

Respectfully submitted,

Attorney for the Cherokee Nation.

W. H. M.

Cherokee D-596.

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

In the matter of the application for the enrollment of Sarah E. Nicholson as a citizen by intermarriage of the Cherokee Nation.

" " " " " " " "

## DECISION.

The record in this case shows that on October 16, 1900, Sarah E. Nicholson appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 5, 1902, on March 6, 1902, and again on October 10, 1902.

The evidence shows that Sarah E. Heindselman, a white woman, and Richard H. Nicholson, a citizen of the Cherokee Nation, admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 13, 1883, were lawfully married on April 27, 1894. Sarah E. Nicholson is identified on the Cherokee Census Roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The evidence further shows that about two years and a half after the applicant's marriage, her husband, Richard H. Nicholson, refused to live longer with his said wife, separated from and abandoned her. Sarah E. Nicholson has resided in the Cherokee Nation continuously since the date of her marriage, as hereinbefore shown, and has not been divorced or remarried, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Sarah E. Nicholson should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Acting Chairman.

T. B. Needles
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this JAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Vinita, I.T., February 2nd., 1903.

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IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF SARAH E. NICHOLSON AS A CITIZEN OF THE CHEROKEE NATION

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D--896

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Now comes the Cherokee Nation and respectfully protests against the decision of the Commission rendered on January 28th., 1903, and asks that the same be forwarded to the Secretary of the Interior for review, together with the brief heretofore filed by the Cherokee Nation in the above case.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation

Vera Ind Ter
Dec 10th 1900

Mr J. C. Shan

Tahlequah I.T.
Dear Sir
In reply to your letter of 7th of Dec which I received some few days ago. I will say that the woman Sarah E. Nicholson abandon me. but when she went away she did tell me that she was leaving me for good but told my mother that she never would live with me again. so after she had been gone some time I went away to work and when I come back she was in company with another man. I ask you to write to

my mother for further
information in regard to
the facts in this case. and
I think she will satisfy you
with what she can tell you
that there is no doubt but
what she left me heir
you will write to her I would
be glad for you to do so her
address is Yalaha. this is
about all I can tell you to.

I Remain yours Truly
T. H. Nicholson

Ramona I.T.
June 3rd 1901

Mr J. C. Star.

Muskogee Ind Ter.

Dear Sir

Your letter of [illegible] received upon the [illegible] I have been away from home a [illegible] and the U.C. [illegible] and my [illegible]

In reply to your letter I will say this [illegible] I had some [illegible] indigestion [illegible] and the [illegible] went away and left [illegible] the went to her mothers [illegible] was living at that time

[illegible] money
[illegible] she had
[illegible] and she
[illegible]
[illegible] her
[illegible] she would have
[illegible]
[illegible] was
[illegible] meeting
[illegible] had
[illegible] me
[illegible]
[illegible] home
[illegible] S. E. [illegible]
[illegible] matter [illegible]
[illegible]
[illegible] necessary
[illegible] I am working
over

# ADDRESS FOR [illegible]

# ADDRESS FOR GEORGE MATHIS

# NOTICE

[redacted]

[redacted] I T.

[redacted]

[redacted]

[redacted]

Commissioners of the Territory,
Commission to the Five Civilized Tribes.

Cherokee Roll.

Muskogee, Indian Territory, January 31, 1903.

U. S. Gardner,

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 January 30, 1903, granting the application of Sarah E. Vickers for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

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

Respectfully,

Acting Secretary.

Enc. Tok.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-596

Muskogee, Indian Territory, February 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Sarah E. Nicholson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 28, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 3, 1903.

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

Respectfully,

Acting Chairman.

D.C.1151-1907. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I. T. D.24828-1906. December 31, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 8, 1906 (Land 12111-1903), the Indian Office submitted the record in the Matter of the application for the enrollment of Sarah E. Nicholson as a citizen by intermarriage of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes of January 28, 1903, in favor of the applicant, be reversed.

In view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the decision of the Commission to the Five Civilized Tribes of January 28, 1903, is reversed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

4 inc. to Ind Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 596.

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

Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application for the enrollment of Sarah E. Nicholson as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 31, 1906, and said application denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-153
JMH

Dennis Nicholson
Oakley

Bidwell Michelson
Indian
Book

IN THE MATTER OF THE APPLICATION OF

Sarah E. Nicholson

FOR ENROLLMENT AS

CHEROKEE [illegible]

A Original testimony (C) of 1/6/1900

B Notice of application (C) of 1/6/1900

C Certified copy of citizenship record

D Marriage certificate

E Notice of final consideration 3/5/02

F Receipt for testimony

G Supplemental testimony and order closing case, March 6, 1902

H Supplemental testimony 3/5/02

I [illegible]

J Brief for applicant

K Proof of service of notice [illegible]

OCT 28 1902

IN THE MATTER OF THE APPLICATION OF

Sarah E. Nicholson

ENROLLMENT AS

CHEROKEE CITIZEN

a- Joint Testimony of Bigpher Nicholson Zolda N.G. in this case; also Testimony of R. H. Nicholson, Vera I.T.

Cher D 597

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

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

Q What is your name? A Francis X. Chouteau.
Q What is your age? A 40.
Q What is your post-office address? A Longoah.
Q In what district do you live? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation by blood? A Yes sir.
Q What degree of blood do you claim? A Quarter.
Q For whom do you apply for enrollment? A For myself and wife and three children.
Q What is the name of your wife? A Annie M.
Q Is she a citizen by blood? A No sir
Q Have you any marriage certificate? A Yes sir. (Produces paper
Com'r: The applicant presents certificate of marriage in due form certifying that he was married according to the laws of the State of Illinois to one Anna Mariah Daley, a non-citizen, on the 20th day of November 1883.
Q What are the names of your children under 21 years of age at home? A Mary F. 16; Francis X., Jr., 14; Cyprian W. 11. That's all.
Q Are these children alive and living with you? A The first one, Mary, is dead.
Q How long have you lived in the Cherokee Nation? A 5 years.
Q Where did you live previous to that? A Kansas City, Missouri; this oldest daughter just died in August this year.
Q You have lived here five years and previous to that you have lived in the State of Missouri? A Yes sir.
Q Are you a permanent resident now? A Yes sir
Q Where were these children born? A All of them born in Missouri.
Q Is your name on the roll of 1880? A Yes sir.
Q What is the name of your father? A Cyprian
Q Is he living? A No sir
Q What is the name of your mother? A Nancy.
Q Is she living? A Yes sir.
Q Did you own any property here before you came here? A Yes sir I made a place in 1891 here.
Q In what part of Kansas did you live? A I was born in Johnson County, Shawnee Reservation.
Q You lived at that place until five years ago? A No sir, I was living in Missouri, Kansas City, Jackson county.
Q Have you removed into the Territory with the intention of making home? A Yes sir, oh yes sir
Q What degree of blood do you claim? A Quarter.
Q Where were you living in 1893? A I was living in the Territory.
Q What district would you be in in 1893? A Coowescoowee.
Q Did you ever pay the one hundred ninety-five dollars? A Yes sir (Produces papers)
Q Have you any receipt for it? A No sir, they never give me any receipt for it.
Q When did you pay that? A November, 1893.
1896 roll page 339 #194 Francis X. Chouteau Coowescoowee Dist;
1896 roll page 300 #261 Annie M. Chouteau "
1896 roll page 339 # 193 Francis X. Chouteau "
1896 roll page 339 #197 As Cyprin W. Chouteau "

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

act of the Cherokee legislature, admitting among others one Francis R. Chouteau to all the rights of Cherokee citizenship as a Shawnee; said act being approved by D. W. Bushyhead, Principal Chief, on the 6th day of December 1880; the certified copy presented being certified to as a true copy of the act signed by R.W. Alberty, Assistant Account ing Secretary, under the seal of the Cherokee Nation; said act provides that the said Francis R. Chouteau should be admitted to all the rights of Cherokee citizenship upon the condition that he pay to the Treasurer of the Cherokee Nation the sum of 195 dollars; said applicant avers that he has paid said money; his name is not found upon the authenticated roll of 1880, but is found upon the census roll of 1896; he presents satisfactory proof of his marriage to Anna M. Daley, a non-citizen, in the year 1893, and he avers of Anna M. Chouteau, nee Daley, is found upon the census roll of 1896; the names of his children, Francis E., Jr. and Cyprian W. are also found upon the census roll of 1896; said certificate of admission is filed herewith; and said applicant now presents a receipt under date of September 17th 1889, signed by D. W. Lipe, Treasurer of the Cherokee Nation, under the seal of the Cherokee Nation, said receipt being for the sum of 195 dollars paid in accordance with the act of the National Council approved December 6th 1880, as shown by the records of the office of date September 17th 1889; said applicant is duly identified according to page and number of the rolls, indicated in the testimony; he avers in his testimony that he removed to the Cherokee Nation from the State of Missouri in the year 1893, and because of an act of the National Council of the Cherokee Nation that

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

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

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

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

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

M D Green

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

C Mc Donald

Commissioner.

"R"

Cherokee D 597

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

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

Appearances:
J.H.Keith, Coffeyville, Kansas, attorney for the applicants;
W.Whastings, attorney for the Cherokee Nation.

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

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

FRANCIS E. CHOUTEAU, being first duly sworn, and being examined testified as follows:
BY MR. KEITH:
Q Give your name and post-office address? A Francis E. Chouteau, Lenapah, Indian Territory.
Q How old are you? A 42.
Q When did you first come to the Indian Territory? A 1878.
Q From whence did you come? A From Kansas City, Missouri.
Q When did you first make a location in the Indian Territory?
A 1882.
Q Where? A Why two miles and a half of ,west of Lenapah.
Q Do you now reside there? A Yes sir.
Q How much of your time were you in the Indian Territory after 1882? A I was here all along from one to six months every year.
Q When did you cease to go away; and reside here permanently?
A I moved here in May,1895, and I have been here permanently ever since.
Q Prior to that time you had been coming back and forth? A Yes sir
Q Did you have the home that you now have prior to 1895 in the Indian Territory? A I had the place, yes sir.
Q You had owned it since 1882? A Yes sir.
Q Did you commence making the place in 1882? A Yes sir.
Q That is the place upon which you new reside? A Yes sir.
Q I will ask you between the years of 1882 and 1885 if you exercised the rights of citizenship in any other country besides or outside of the Indian Territory; did you ever vote in Missouri or Kansas during those years? A No sir.
Q Did you in the Indian Territory? A Yes sir.
Q Did you exercise any other rights of citizenship in the Indian Territory between those years? A I was subpoenaed before the courts of the Indian Territory and served on the jury.
Q I will ask you what was your intention in 1882 when you made those improvements what was your intention after that prior to 1895 as to your future residence? A I always intended living here.
Q In the Indian Territory? A Yes sir.
Q Do you know howmuch of the year 1882 you spent on your farm in the Indian Territory? A Yes sir, I was here two months.

Q You know how much you spent here in 1883? A Why I can't say for certain, the number of months of each year; I stayed from one to six months every year.
Q One to six months in each year between those years? A Yes sir.
Q And that was your home during that time? A Yes sir.
BY MR. HASTINGS:
Q How long was your wife down here in 1882? A Never was here, not until 1894.
Q Where did you marry her? A Illinois.
Q State of Illinois? A Yes sir.
Q When? A 1883.
Q Where were all of these children born then? A Kansas City.
Q She lived there continuously all the time up until 1895? A Yes sir.
Q All of these children were born there? A Yes sir.
Q Did you have a house there? A No sir.
Q Did you live in the house? A Yes sir.
Q Had one rented? A No sir, it belonged to my mother and I lived with her.
Q Your wife was there and she ~~lived~~ never come to the Territory until 1895 and all of your children were born there, and still the Cherokee Nation was their home? A Yes sir, I never voted in Missouri.
Q Who did you vote for down here? A I voted for Mr. Buffington, last election.
Q Now who before1895? A I voted for Sam Mayes.
Q Well that was the year 1895, who did you vote for before that now? A I don't remember now.
Q You didn't vote for anybody did you? A Yes sir, I voted every year since 1882.
Q But you can't remember who they were can you? A No sir.
Q Never voted up yonder? A No sir.
Q Always intended to come back here? A Yes sir.
Q Did you ever intend to take a trip to Europe? A No sir.
Q What did you give for that place in 1882? A Seventy-five dollars.
Q Who did you buy it from? A Frank Chouteau, my cousin.
Q Have you got a bill of sale for it? A No sir.
Q Never did have one? A No sir.
Q How much was in cultivation? A About 2 acres.
Q You have had a leaser on that all the time? A No sir.
Q How much rent did you get in 1882? A One-third.
Q How much? A I guess about ten dollars.
Q How much rent did you get in 1883? A I improved it in 1883, and plowed out about a hundred acres.
Q Did you pay for it? A Yes sir, I ~~xx~~ paid two dollars an acre to have it improved.
Q Who did you pay that to? A Morrison.
Q What were you doing in Kansas City from 1882 to 1885? A Going to school.
Q What sort of school were you going to? A Public school.
Q You? A Yes sir.
Q When did you quit going to school? A In 1887.
Q What did you do from 1887 on up to 1895, eight years? A I worked one year for a notary public upthere.
Q What were you doing the next year? A Not anything, I come down here, I had cattle down here.
Q Where did you have them? A In the hands of Mr. Jim Elliott.
Q When did you buy those cattle? A In 1886 I think.
Q That was while you was going to school? A Yes sir.
Q How long did you stay down here with your cattle? A I, from one to six months every year.
Q Well I want to know that year,1886? A Why I can't tell you.
Q Do you know in 1887? A No sir.
Q Do you know in '88? A No sir.

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

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

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

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

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

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

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

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

M D Green

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

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

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

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

MR. KEITH: Please state your name and place of residence? A John R. Welch, Lenapah, Indian Territory. 61 or 2 years old, I don't know exactly.
Q How long have you resided in the Indian Territory, Mr. Welch?
A I come here in '71.
Q What is your nationality? A Shawnee.
Q By blood? A Yes, sir.
Q Are you acquainted with Francis E. Chouteau? A Yes, sir.
Q How long have you known him? A I have knowed him ever since he was three or fourayears old, and younger than that.
Q Do you know when he first came to the Cherokee Nation? A Well, he came down in '81 and built, but he came down before that a few times.
Q He built a house in the Cherokee Nation in 1881? A Yes, sir.
Q Where? A On California Creek, southwest of Lenapah about two or three miles.
Q Does he still own that farm? A Yes, sir.
Q Has he owned the improvement ever since he built the house there in 1881? A Yes, sir.
Q Do you know how much of the year 1881 he spent in the Cherokee Nation? A In '81?
Q Yes, sir. A He spent three or four months.
Q You know how much of the time he spent in the Cherokee Nation in 1882? A About the same, somewheres along there, I don't know exactly, but three or four months.
Q Between the years 1882 and 1895 about how much of his time did he spend in the Cherokee Nation each year? A Well, he spent about that much all that time, he was with me every spring and through the summer; he must have spent three or four months during each year.
Q You said he spent three or four months during each year between 1881 and 1895? A Yes, sir, about that much I think.
Q What was he doing when he was down here? A Well, he was down on the farm part of the time, and he had some cattle down there.
Q Did he improve the farm upon which he now resides during those years? A Yes, sir.
Q You know where he boarded when he was here? A He boarded with me, stayed with me every year.

MR. HASTINGS: What kin are you to him? A Well, I married in the family, I don't know what kin I am to him.
Q Don't know what relation your wife is to him? A Why I married his uncle's daughter.
Q This man was married himself in the states, wasn't he? A Yes, sir.
Q In what year? A Who?
Q Francis Chouteau. A Oh, yes, he was married in the states.
Q What year? A I don't know what year he was married.
Q How much of the year of '93 did he spend in the Cherokee Nation?
A '93?
Q Yes, sir. A Well, he was at my house in '93, he spent part of

the time every year——
Q Well, do you remember that specific year of '93? A I don't think I know; there's nothing that I can go by.
Q Do you remember the year of '86 how much of the time he spent at your house? A I couldn't figure out how much he spent, but he was there.
Q How much of the year of '85 did he spend at your house? A He must have spent the spring and fall, I know.
Q How many children was born down in the Cherokee Nation? A I don't think there was any of them born there.
Q When was the first time you ever laid eyes on his wife? A Oh, a good while ago.
Q Where did you see her? A In Kansas City.
Q But I mean inside of the Cherokee Nation? A Well, she was here sometime, it must have been in 1890.
Q The year of 1890? A Yes, sir.
Q Come down on a visit? A Come down on a visit.
Q How long did she stay that time? A Well, I don't remember how long she staid, it must have been threeor four weeks anyhow.
Q She was living in Kansas City? A Yes, sir.
Q That is the first time she had ever seen the Cherokee Nation? A Yes, sir, the first time I seen her in the Cherokee Nation.
Q Well, she never come down here at all until the year of '98 to live? A '94 or '5 somewheres.
Q Well, do you know which year it was? A I don't know exactly, but it was '94 or '95.
Q Well, was it in August or September? A The last of May, sometime in May.
Q Well, if he stated he came here in May, '95, do you think he was correct? A It was in May, it was in '95 I guess it's pretty near correct.
Q Now what you want to be understood as swearing is that this man had a farm down here in the Cherokee Nation, and he occasionally left his wife away up there in Kansas City and he came down here off and on, and spent part of his time upon the farm; that is what you wanted to say? A No.
Q That isn't it? A He was down here several years that I know of.
Q Well, he only come down and staid a short time and kept his family back up there, was that it? A Yes, sir, he came and didn't bring his family down.
Q They were left back up there? A Yes, sir.
Q But he never made a crop on the place himself individually and personally? A No, sir, I don't think he ever made any crop himself.

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

Mr. Keith: Please state your name and place of residence?
A J. H. Shufelt, Lenepah, I. T.
Q How old are you, Mr. Shufelt? A 31.
Q How long have you resided in Lenepah? A Been living in town about ten years.
Q How long have you lived in the Cherokee Nation? A Since '84.
Q Are you acquainted with Francis E. Chouteau? A Yes, sir.
Q How long have you known him? A Why I have known him ever since I was about ten years old I guess.
Q Do you know when he first came to the Cherokee Nation? A I seen him the first year I was here, seen him down here.
Q How long was he here that year, do you know? A I don't know.
Q How often did you see him here between the year '84 and the year '95? A Why I think I see him down here pretty near every summer and fall.
Q Do you know how long he would stay when he would come down between these two dates? A No, I don't know how long he would stay, couldn't say about that.

Q Do you know whether he had any farm or other improvement in the Cherokee Nation between 1884 and 1895? A Why he had a farm on California Creek there when I came down here.
Q Has he still got that farm? A Yes, sir.
Q Does he reside upon it? A Yes, sir.
Q Do you know what he was doing when he was here between the dates that I have just mentioned to you? A Why I don't know as I could say exactly, most of the time I seen him was when he was around Mr. Welch's over there.
Q Do you know whether he was working on his farm or not? A Don't recollect of noticing him, but once I think, one year I was over there—
Q How far did you live from his farm? A About four miles over there.
MR. HASTINGS: Where did this man marry? A I couldn't say.
Q When did you first see his wife? Q Why I think I seen her once or twice before she came down here, but I wouldn't be certain.
Q When did they move down here? A I think it was in '95.
Q Well, he was married in the states? A I think so.
Q All of his children were born there? A I couldn't say about that.
Q Well, all born out prior to 1895? A Yes, sir.
Q And he lived up there with his wife with the exception that he would come down here now and then looking after his farming interest, isn't that the facts A That's all the time I seen him down here, while he was down looking after his place.
COMMISSION: Do you submit the case?
MR. KEITH: Yes, sir.
The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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

Arthur G. Croninger

Cherokee D 597.

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

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

SUPPLEMENTAL PROCEEDINGS.

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

By the Commission,

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

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

Retta Chick

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

B. Kesler
Notary Public.

Cherokee D. 157.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E. Jr., Cyprian W. and Earl F. A. Chouteau, as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record herein shows that on October 16, 1900, Francis E. Chouteau, appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his two minor children, Francis E. Jr., and Cyprian W. Chouteau, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 5, March 20 and October 28, 1902. On May 6, 1901, a birth affidavit was filed for Earl F. A. Chouteau, a third child of the applicant, born since the date of the original application.

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

The evidence shows that Francis E. Chouteau is a Shawnee Indian; that he was admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council approved December 2, 1890, conditioned that he pay to the treasurer the sum of $185.00, and that on September 17, 1894, he perfected his rights of citizenship by paying to the treasurer of the Cherokee Nation the said sum of $185.00, as required by the terms of his admission. His wife, Annie M., a white woman, was married to him on November 20, 1884, and the three minor children herein are the issue of that marriage.

All the applicants herein, excepting the youngest child, are identified on the Cherokee census roll of 1896, and the said child, Earl F. A. Chouteau, is identified by a birth affidavit made a part of this record.

The evidence further shows that the said Francis M. Choutean removed to the Cherokee Nation in 1895, and that he and his wife Annie M., have been residing and living together in said Nation since that time. The residence of the children is considered to be that of their parents.

It is, therefore, the opinion of this Commission that Francis M. Choutean, Francis M. Choutean, Jr., Cyprian W. Choutean and Karl F. A. Choutean should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Chairman.

(SIGNED) T. B. Needles.
_____
Commissioner.

(SIGNED) C. R. Breckinridge.
_____
Commissioner.

(SIGNED) W. E. Stanley.
_____
Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 31 1903

Cherokee D. 597

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

D E C I S I O N.

The record herein shows that on October 16, 1900, Francis E. Chouteau appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his two minor children, Francis E. Jr., and Cyprian W. Chouteau, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 5, March 20 and October 28, 1902. On May 6, 1901, a birth affidavit was filed for Karl F. A. Chouteau, a third child of the applicant, born since the date of the original application.

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

The evidence shows that Francis E. Chouteau is a Shawnee Indian; that he was admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved December 6, 1880, conditioned that he pay to the treasurer the sum of $195.00, and that on September 17, 1889, he perfected his rights of citizenship by paying to the treasurer of the Cherokee Nation the said sum of $195.00, as required by the terms of his admission. His wife, Annie M., a white woman, was married to him on November 20, 1883, and the three minor children herein are the issue of that marriage.

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

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

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

The evidence further shows that the said Francis E. Chouteau removed to the Cherokee Nation in May, 1895, and that he and his wife, Annie N., have been residing and living together in said Nation since that time. The residence of the children is considered to be that of their parents.

It is, therefore, the opinion of this Commission that Francis E. Chouteau and Karl F. A. Chouteau should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that the names of Francis E. Chouteau, Jr., and Cyprian W. Chouteau appear upon the Cherokee census roll of 1896 without authority of law, and that the application for the enrollment of Francis E. Chouteau, Jr., and Cyprian W. Chouteau as citizens of the Cherokee Nation of Shawnee blood should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

Commissioner.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this AUG 31 1903

D E P A R T M E N T  O F  T H E  I N T E R I O R,

Commission to the Five Civilized Tribes,

Tahlequah I. T. September 5th 1895.

Cherokee D. #897.

In the matter of the application of Francis E. Chouteau et al for enrollment as citizens of the Cherokee Nation.

----------X----------

Protest of the Cherokee Nation.

Comes now the Cherokee Nationand protests against the decision of the majority of the Commission to the Five Civilized Tribes and asks that the record in the case together with the decision and this protest be forwarded to the Honorable Secretary of the Interior for Review.

A R G U M E N T.

The testimony in this case is undisputed that Francis E. Chouteau was admitted by the Cherokee National Council, by an act approved December 6, 1880, to citizenship inthe Cherokee Nation, conditioned that he first pay to the Treasurer of the Cherokee Nation the sum of One Hundred and Ninety-five dollars; that this sum was not paid until September 17, 1889 and that he removed to and located in the Cherokee Nation in May 1893.

The Chairman of the Commission to the Five Civilized Tribes dissents from the majority opinion of the Commission in this that he believes that the two children born after their father was conditionally admitted, and before September 17, 1889, the time when his citizenship was perfected, should be denied.

We contend that there can be no doubt as to the correctness of the views of the Chairman of the Commission to the Five Civilized Tribes in this case as to the rights of these two children because at the time they were born their father was not a citizen of the Cherokee Nation and it can not be contended that Francis E. Chouteau Sr., was a citizen of the Cherokee Nation between September 17, 1889 and the perfection of his citizenship by his paying the stipulated sum of $195.00 the amount paid by Ewennees in the agreement of 1871 did not confer rights upon his minor

children; this treaty at no time admitted the minor children except upon condition of their paying the stipulated price; the admission of the father did not admit the minor children and they were not admitted except by paying the price and to have admitted the two minors in this case it would have been necessary for them to have been admitted upon like conditions as their father and to have paid a like amount into the Treasury of the Cherokee Nation. Under the Shawnee agreement of 1871 an equal amount was paid for all persons, adults and minors alike and no minor born prior to 1871 could be admitted to citizenship in the Cherokee Nation unless his name was upon the Shawnee roll for all of whom a certain stipulated amount of money was paid. In this case the citizenship of Francis F. Chouteau Sr was not perfected when these two children were born; he was a resident of the State of Kansas, a citizen of that state; these two children were bornthere, citizens of the state of Kansas and these children inherited no rights of citizenship in the Cherokee Nation because their father had not at the time to descend to them; he had none to confer. There was no law or treaty to give these rights because their father had failed to perfect his citizenship and it was clearly the intention of the Cherokee National Council to make every Shawnee admitted to citizenship in the Cherokee Nation to pay the sum of $168.00 This amount not having been paid for these two children we concurr with the Chairman of the Commission to the Five Civilized Tribes in his opinion that these two children should be refused enrollment.

Respectfully,

W W Dowling Jr

Attorney for the Cherokee Nation.

C. D.597.

Seed sent to Wm. Dodge,
Nowata, I. T.
John H. Goody, Nowata, I. T.
S. T. WYckoff, Lenapah, I. T.
W.E.Twitchell, Lenapah, I. T.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

# ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. C. D. 597.

Muskogee, I. T., Feb. 26, 1902.

Dear Sir:

Frances E. Chouteau has applied to the Commission for the enrollment of himself, wife and children as citizens of the Cherokee Nation by Shawnee blood. They claim that they have lived in Kansas City, Missouri, up until 1895, and they claim they have moved and lived near Lenapah, I. T., since that date, and that they have located there permanently. This application was made October 16, 1900, and we have been informed that Frances E. Chouteau has gone back to Kansas City since that time. Will You kindly advise us what You know as to the residenc of this man; if he has returned to Kansas City how long has he been gone, and what is now his post-office address.

Yours truly,

Lenapah, Ind. T. 2/27 1902

M _____

IN ACCOUNT WITH **THE LENAPAH LIVERY BARN,**

Barn West of Depot. S. T. Wyckoff, Manager.

J C Stiers
Muscogee

In regard to Frances E Chanteau
his P O address is Lenapah
I think he has lived here
permanently since he moved
here in 1895

Yours
S T Wyckoff

# W. E. TWICHELL,

...DEALER IN

## Hardware and Implements, Machine Oils, Rope,

BINDER TWINE, WAGONS AND BUGGIES.

AGENT FOR
McCORMICK
HARVESTING
MACHINERY

Notary Public

LENAPAH, I. T., Feb. 27th. 1902.

J. C. Star

Muskogee Ind. Ter.

Dear Sir:-

I am in receipt of your favor of the 26th. inst. in which you ask in regard to the residence of Frances E. Chouteau, and family.

In reply I would respectfully state that I have been a resident of Lenapah Ind. Ter. since 1894. and become acquainted with Mr Chouteau, after I had been here about a year. and ever since our acquaintance, Mr Chouteau has resided upon a farm about three miles west of Lenapah Ind. Te and resided there continuously from some time in the year of 1895 to the present time,

I would further state that Mr Chouteau has never returned to Kansas City Mo. as you state that you were informed, that is a mistake, he has been upon his farm here and personally operated the same ever since I have known him. And his Post-Office address is Lenapah Ind. Ter.

Yours respectfully.

W. E. Twichell

M89

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-597

Muskogee, Indian Territory, August 31, 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 August 31, 1903, granting the application for the enrollment of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E. Chouteau Jr., Cyprian W. and Karl F. A. Chouteau, as citizens by blood of the Cherokee Nation. There is also enclosed the dissenting opinion of Chairman Bixby in this case.

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,

Commissioner in Charge.

Enc. D-207

M.B.G.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-597.

Muskogee, Indian Territory, January 5, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated August 31, 1903, granting the application of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E. Jr., Cyprian W. and Karl F. A. Chouteau, as citizens of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

Chairman.

D.C. 52124 - 1906. ( COPY )

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land.
1836. - 04.

WASHINGTON. Jan. 14, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 18, 1903 (I.T.D. 8804), there is inclosed herewith a report, dated January 5, 1904, from the Chairman of the Commission to the Five Civilized Tribes, in which it is stated that in the opinion of the Commission the record relative to the application of the wife of Francis E. Chouteau for enrollment as an inter-married citizen of the Cherokee Nation, should not be returned to the Commission at this time, for the reason that applicants for enrollment as inter-married Cherokees are not now being disposed of and probably will not until after the Court of Claims shall have made finding and rendered an opinion upon the questions submitted to it by the Department February 24th last.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW:LKS.

2 inclosures.

D.C. 52124 - 1906. ( COPY ) Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FRE.

I.T.D. 8804-1903.
248-1904.

November 26, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of December 18, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Annie M. Chouteau as a citizen of that nation by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of Annie M. Chouteau is denied.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

6 inc. to Ind. Of.

0763

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D-597.

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

Muskogee, Indian Territory, December 7, 1906.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 31, 1903, rejecting the application of Annie M. Chouteau for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Wm. O. Beall

Acting Commissioner.

Encl.H-61.
JMH

No. 597

THE MATTER OF THE APPLICATION OF

Francis E. Chouteau

CHEROKEE CITIZENS.

A Original [illegible] Oct 16/1902

B [illegible] of application Oct 16/1902

C Certified copy of certificate of [illegible]

D Treasurer's certificate

E Letter relating to enrollment.

F Birth certificate of Karl F. A. Chouteau

G Notice of final consideration 1/5/02

H Receipt [illegible]

[illegible] 1/5/02

[illegible] 1/5/02

[illegible] test + order [illegible] test 3/20/02

OCT 27 1907

Cher D 598

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

In the Matter of the application of Anna Laura Fister for the enrollment of herself and children as Cherokees of Shawnee blood, and her husband as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your full name, please? A Anna Laura Fister.
Q How old are you? A 30.
Q What is your post office? A Lenapah, I. T.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to have put on the roll, yourself and husband and children? A Yes, sir.
Q How many children? A Four.
Q Are you a Cherokee by blood? A No, sir, I am a Shawnee.
Q What is your husband? A A German.
Q A white man? A Yes, sir.
Q Were you born in the Cherokee Nation? A No, sir
Q Where were you born? A Johnson County, Kansas.
Q When did you come to the Cherokee Nation? A It has been I think about 15 years ago.
Q Were you admitted to citizenship by the Cherokee Commission or Council? A Yes, sir.
Q Have you your certificate of admission? A Yes, sir.
(The applicant presents a receipt dated October 1, 1886, and signed by Henry Chambers, Treasurer of the Cherokee Nation, acknowledging the payment of $195 by Laura Ann Shufeldt, in consideration of citizenship.)
Q What does this mean; this is not a certificate of admission?
Q Why, that is the only paper I have got with me, my father has the rest of them.
Q Who was Laura Ann Shufelt? A That is myself, my father made a mistake, that was my name before I was married.
Q Did they give you a certificate of admission? A I don't know, that is the only paper my father ever gave me.
Q What was your name before you married your husband Fister?
A Anna Laura Shufelt.
Q Shufelt was your maiden name? A Yes, sir.
Q When were you married? A In 1886.
Q Have you and your husband lived together ever since your marriage? A Yes, sir.
Q And all the time in the Cherokee Nation? A Yes, sir, I have never been out of the Cherokee Nation over a month since I have been here.
Q When do you say you were admitted to citizenship? A I am not positive, I think it is 1882.
Q And you paid the money in 1886? A Yes, sir.
Q Give me the name of your father? A H. C. Shufelt.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Martha A. Shufelt.
Q Is she dead? A No, sir.
Q Now give me your husband's full name? A William Fister.
Q How old is he? A 34.
Q Isn't his name William M. Fister? A His lawful name is William.
(The applicant presents a marriage license issued by the Clerk of Cooweescoowee district, October 15, 1886, authorizing marriage between W. M. Fister and Laura A. Shufelt. The certificate shows that they were united in marriage by the Clerk of the district on the same date as the license. This is filed herewith.)
Q Were you ever married except to your husband Fister? A No, sir
Q Was he ever married except to you? A No, sir, not that I ever knew of.

knew of, we were not married but children when we were married.

Q Give me the Name, now, please, of your children? A Martha A., 13 years old.

Q The next child? A Maggie May, 11 years old.

Q The next child? A Henry C., 9 years old.

Q The next child? A Nellie C., 6 years old.

Q These children are all living now, are they? A Yes, sir.

Q How long has your father been dead? A Four years.

(Anna Laura Fister on 1896 roll, page 341, No. 159, Laura A. Fister, Cooweescoowee district. William Fister on 1896 roll, page 317, No. 734, William McFister, Cooweescoowee district. Martha A. Fister on 1896 roll, page 341, No. 160, Cooweescoowee district. Maggie M. Fister on 1896 roll, page 341, No. 161, Cooweescoowee district. Henry C. Fister on 1896 roll, page 341, No. 162, Cooweescoowee district. Nellie C. Fister on 1896 roll, page 341, No. 163, Cooweescoowee district.)

The applicant applies for the enrollment of herself, her husband and four children. She states that she was admitted to citizenship in 1883 by the Cherokee Commission, and that she qualified under that admission in 1886, and exhibits a receipt from the Treasurer of the Nation for the necessary amount of money paid for her certificate, but is unable at this time to produce an official copy of the certificate. She establishes her marriage to her husband in 1886, and states that neither of them have ever been otherwise married. She has lived in the Cherokee Nation ever since her admission, and is identified on the roll of 1896. Her application as a Cherokee of Shawnee blood will be placed now upon a white card to await the official copy of her certificate of admission. Her husband is shown to have married her in accordance with Cherokee law in 1886, and he is identified with her on the roll of 1896. He will be listed as a Cherokee by intermarriage upon the same card. The four children named in the testimony are all identified with their parents on the roll of 1896, they are all living now, and they will be listed as Cherokees by blood on a white card with their parents. The receipt for the money is returned to the applicant.

———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 16th of October, 1900

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 12 1902

"R"

Cherokee D 598

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William Fister for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:
J.H.Keith, Esq., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

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

MARTHA A. STOREY, being first duly sworn and being examined, testified as follows:

BY MR. KEITH:

Q Please state your name and place of residence again? A Martha A. Storey, Lenapah, I. T.

Q What relation didyou bear to Anna Laura Fister, during her lifetime? A She was my daughter.

Q Do you know when Mrs. Fister died? A Yes sir, I was at her bedside when she died.

Q When was that? A That was the 26th of October she died.

Q Did you know her age at that time? A Yes sir.

Q How old was she? A Thirty years old.

Q She died in October,1901? A Yes sir.

Q And was thirty years old at that time? A Yes sir.

Q You know when she wasmarried? A Yes sir.

Q When? A She was married in October 15th,1886, I think it was.

Q You know where she went after her marriage, withher husband, where she lived? A Lived right there on Hickory Creek.

Q Cherokee Nation? A Yes sir.

Q She was married when she was about 16 years old? A Yes sir.

Q Prior to that time she had resided with you? A No, part of the time;she was down herewhen she was married.

Q In the Cherokee Nation? A Yes sir.

Q She was in either withher father on the ranch on Hickory Creek or with you in Johnson County? A Yes sir.

Q You know what part of her time after 1883 during the years 1884 and1885 she spent down here? A She was down here part of the time; I couldn't tell you how much of the time.

Q You know whether she kept house for her father? A Yes sir, she did, after our housekeeper died, and she was down here before that off and on.

Q She was married in 1886 and kept house down here before that, during 1884 and 1885 and 1886 before that? A Yes sir.

BY MR. HASTINGS:

Q You have no schools in Johnson County Kansas? A Yes sir.

Q You ever send this girl to school before she was married? A She went there part of the time, yes sir.

Q Go when she was 14 years old? A Yes she, she went about two months I guess.

Q And when she was 15? A No, I don't think she did.

Q Quit school when she was about 14? A Yes sir.

Q You mean to say that your daughter of 14 left you and came to stay with her father on the ranch? A Part of thetime, she

didn't stay altogether,all the time.
Q This money was not paid to the Treasurer until 1886 wasit? A 1886, yes sir.
Q She was admitted with a condition in 1881 I believe? A 1882 was not it.
Q '81 or '82? A '82.
Q So that themoney was not paid until four or perhaps five years afterwards? A It was in 1886.

BY MR. KEITH: We desire that portion of the testimony as number one Exhibit, relative to the act of Council admitting Mrs. Storey and certain members of her family be made part of the record in this case.

BY COMMISSION: The copy of the act, filed in case of Martha A. Storey, Cherokee D 601, will be copied and filed herewith.

W.M.FISTER, being first duly sworn, and being examined, testified as follows:

BY MR. KEITH:
Q State your name and place of residence? A W.M.Fister.
Q Where do you live? A Lenapah.
Q How long have you resided at or near Lenapah? A Well sir, about 16 or 17 years.
Q Were you the husband of Anna Laura Fister, during her lifetime? A Yes sir.
Q Did you live with her from the time of your marriage until the time of her death? A Yes sir.
Q Had you known your wife before she came to the Indian Territory? A Yes sir.
Q Were any of the children born to yourself and wife after your wife's applicationfor enrollment in October 16,1900? A Yes sir.
Q Have you filed the birth certificate with the Commission A Yes sir.

BY COMMISSION:
Q The youngest child we have is Nellie G.? A That is the youngest.
Q Then you have no child born since the original application? A Oh nosir.

BY MR. KEITH:
Q You know where your fatherinlaw was residing at the time you married your wife? A Yes sir.
Q Where? A He was staying most of the time here on the Hickory Creek.
Q You know whether your wife had resided there part of the time? A Yes sir.
Q About how much of the time since 1883 had she resided there with her father? A I came there in 1884 I think it was, and she was, and she was there off andon but I don't recollect how long at a time.
Q She kept house a short time? A Yes sir, she kept house when she was here.
Q You were working for her father at that place when you married her? A Yes sir.

BY MR. HASTINGS:
Q You knew her in Kansas? A Yes sir.
Q You knew them before she came down here? A I got acquainted with them a year or two after they established their right.
Q Mr. Shufeldt remaining down thereon thefarm most of the time? A Yes sir.
Q And his wife lived up in Johnson County, Kansas on that farm? A She was back and forth.
Q Where were her young children? A She left them at home for the purpose of schooling.
Q So when she would be down here her children would be up at home? A Yes.
Q How long did she stay down here at any one time? A I don't know exactly, 2 months I suppose, I couldn't say positive.

X D 598

Q All of these children for whom you apply born in the Territory?
A Yes sir, every one of them.

BY THE COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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

---

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

M D Green

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEPARTMENT OF THE INTERIOR

Commission to the Five Civilized Tribes,

Muskogee, I.T., October 1, 1902.

ACTING CHAIRMAN

In the matter of the application of William Fisher for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of his children Martha A., Georgia V., Henry C., and Willie O. as citizens by blood of the Cherokee nation.

William Fisher, called as a witness and being first duly sworn, and examined by the Commission, testified as follows:

Q Your name is William Fisher? A Yes sir.

Q How old are you? A About 37 years.

Q What is your postoffice? A Lonsdale, I.T.

Q Are you a citizen? A Yes sir.

Q Are you claiming the right to be enrolled as a citizen by intermarriage of the Cherokee nation? A Yes sir.

Q What was the name of your wife? A Laura Annie.

Q Annie Laura, isn't it? A They got that mixed; it should be Laura Annie, but her father got it wrong.

Q How do you want it now? Laura Annie? A That is her proper name, yes.

Q Is your wife a Shawnee by blood? A Yes sir.

Q When did she come to the Cherokee nation? A In 1886.

Q Was she admitted to citizenship in '86? A Well, she was admitted to citizenship 2 years before in 1884-4, when her father proved up to the Cherokee council; it was an act of the council. Bushyhead was chief at that time.

Q Did you ever submit any evidence to the Commission? A Yes, we was

Cher-D.598.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 28, 1902.

In the matter of the application of William Fister for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of his children Martha A., Maggie M., Henry C., and Nellie G. as citizens by blood of the Cherokee nation.

William Fister, called as a witness and being first duly sworn, and examined by the Commission, testified as follows:

Q Your name is William Fister? A Yes sir.
Q How old are you? A About 37 years.
Q What is your postoffice? A Lennepah, I.T.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q What was the name of your wife? A Laura Annie.
Q Annie Laura, isn't it? A They got that mixed; it should be Laura Annie, but her father got it wrong.
Q How do you want it now?? Laura Annie? A That is her proper name, yes.
Q Is your wife a Shawnee by blood? A Yes sir.
Q When did she come to the Cherokee nation? A In 1886.
Q Was she admitted to citizenship in '86? A Well, she was admitted to citizenship two years before in 1883-4, when her father proved up to the Cherokee council; it was an act of the council. Bushyhead was chief at that time.
Q Did you ever submit any evidence to the Commission? A Yes, we was here last spring, and we never heard what they did.
Q I am asking you if you introduced evidence of your wife's citizenship?
A Yes, citizenship papers; the Dawes Commission has them now.
Q When did you send them in? A Last spring.
Q Has your wife been living in the Cherokee nation since 1886? A Yes, never has been out.
Q When were you married to her? A 1886.
Q Under a Cherokee marriage license? A Yes sir.
Q Was that before or after she was admitted? A Two years after.
Q Is Laura your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q You and your wife have been living in the Cherokee nation ever since you were married? A Yes, up to three years ago, she died.
Q You lived with her from the time you were married up to the time she died? A Yes sir.
Q Have you married since her death? A No sir.
Q You have been living in the Cherokee nation ever since you married her in 1886? A Yes sir.
Q You never made your home anywhere else? A Right at Lennepah.
Q How many children have you by your wife Laura? A Four.
Q Are they all living? A Yes sir.
Q When did you say your wife died? A Three years ago the 26th of This month.
Q Was she living at the time you applied for enrollment? A When was that? At Nowata?
Q In 1900? A She enrolled herself at Nowata when the Commission was there
Q Was she living in Oct., 1900? A It is two years since her death; I made a mistake; she did the enrolling herself and died about a month afterwards.

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

Frances R Lane

Subscribed and sworn to before me
this October 28th, 1902.

B O Jones
Notary Public.

Cherokee D-598.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Fister as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Laura Annie Fister, and his four minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister, as citizens of the Cherokee Nation of Shawnee blood.

## DECISION.

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The record in this case shows that on October 16, 1900, Laura Annie Fister appeared before the Commission at Newata, Indian Territory, and made application for the enrollment of her husband, William Fister, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of herself, and her four minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 5, 1902, and on October 21, 1902.

The evidence in this case shows that Laura Annie Fister, nee Shufeldt, a Shawnee Indian, who was admitted by the duly constituted authorities of the Cherokee Nation "to all the rights, privileges, and immunities of other Shawnee residents in and citizens of the Cherokee Nation," on December 9, 1882, provided no rights should accrue until a certain sum of money was paid to the Cherokee Nation, which condition was complied with, was lawfully married to William Fister, a white man, on October 15, 1886, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation. The evidence further shows that Laura Annie Fister died on October 26, 1901. William Fister, Laura Annie Fister and their minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister are identified on the Cherokee Census Roll of 1896.

The evidence further shows that Laura Annie Fister lived in the Cherokee Nation from about the year 1885 until the time of her death, and that William Fister has lived in the Cherokee Nation continuously since 1886 with his said wife, up to the time of her death, and that he had resided continuously therein since her death and had not remarried up to and including September 1, 1902. All the children of William Fister and his wife, Laura Annie Fister, included in this application, were born in the Cherokee Nation and it is considered from the evidence that they have lived in said Nation ever since their birth.

It is, therefore, the opinion of this Commission that William Fister should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that his four minor children, Martha A. Fister, Maggie M. Fister, Henry C. Fister and Nellie G. Fister

Muskogee, Indian T.,

should be enrolled as citizens of the Cherokee Nation of Indian blood, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

It is further ordered that the application for the enrollment of Laura Annie Fisher as a citizen of the Cherokee Nation of Mixed blood be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

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

REFER ONLY TO THE FOLLOWING

Cherokee D-598.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Laura Annie Fister for the enrollment of her husband, William Fister, as a citizen by intermarriage, and for the enrollment of her four minor children, Martha A., Maggie M., Henry C. and Nellie G. Fister, as citizens of the Cherokee Nation of Shawnee blood, and dismissing her application for the enrollment of herself as a citizen of the Cherokee Nation of Shawnee blood.

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

Respectfully,

Acting Chairman.

Enc. H-213.

[illegible]

[illegible] THE APPLICANT [illegible]

[illegible] Nov 20 1900.

William Fister

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

a Original testimony Oct 16/1900
b Memo of application Oct 16/1900
c Marriage license & certificate
d Treasurers certificate
E Notice of final consideration 3/5/02
Receipt for testimony

[illegible]

[illegible]

[illegible]

[illegible] R 809

DEPARTMENT OF
COMMISSION TO THE UN

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MAR 18 1952

CHAIRMAN

"R"

Cherokee Freedman D 599

Department of the Interir,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of Louisa Gray for enrollment as a Cherokee Freedman.

Appearances:
Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicant;
J.S.Davenport attorney for the Cherokee Nation.

J.G.Schrimsher, being first duly sworn and being examined testified as follows:
BY MR. DAVENPORT:
Q What is your name? A J.G.Schrimsher.
Q Where do you live? A I live at Claremore, Indian Territory.
Q How long have you lived in the Cherokee Nation? A About 65 years.
Q Before the war did you know a man by the name of Hector Ross? A Yes sir.
Q Where did you know him? A Here at Tahlequah.
Q Did you know him for a while before that time? A Yes sir.
Q You know whether or not he went out of the Cherokee Nation during the war? A Why I suppose he did, he was not at Tahlequah, he went off,somewhere.
Q Did you see him after the war? A Yes sir.
Q Where did you see him? A I saw him at two or three places, but first time I saw him was at Chetopa, Kansas.
Q Did you have a conversation with him at that time? A Yes sir.
Q Did you recognize him when you saw him as being the Hector Ross you had known at Tahlequah before the war? A Same man.
Q State what that conversation was, if anything was said with reference to his returning to the Cherokee Nation? A I can't remember all the conversation; I asked him where he had been, he told me he had been in Kansas, and was coming home. He said he had his family with him; there was some woman along.
Q Did he have wagons with him? A Yes sir, he had a wagon.
Q And he said he was coming home? A Yes sir.
Q When was that? A That was sometime along in '70. I can't tell exactly when.
Q Did you see him after he came down to this country? A I think I saw him once or twice up there about Gooseneck or somewhere.
Q But at the time you saw him at Chetopa he told you he was moving to the Cherokee Nation, and he had his family and some wagons along with him? A Yes sir.
BY MR. MELLETTE:
Q You don't know where he had lived before that do you, Judge? A Why he lived at Tahlequah before-
Q You don't know where he was in '66? A No sir.
Q Chetopa Kansas, is practically on the line of the Cherokee Nation and Kansas? A Well a short distance from it.

BY COMMISSION: This testimony will also be filed and made part of the record in Cherokee Doubtful Freedman case No.642.

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

M.D.Green

Subscribed and sworn to before me this March 1st,1902.

D599

"R"

Cherokee D #99

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

SUPPLEMENTAL PROCEEDINGS in the matter of the application of William Matteson for the enrollment of himself as a Cherokee citizen:

Appearances:
J.H.Keith, Coffeyville, Kansas, representing J.A.Tillotson, Nowata, I. T., attorney for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory on the 5th day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 5th dayof March,1902, appears by his attorney, J.H.Keith, representing J.A.Tillottson, Nowata, I. T.

COMMISSION TO ATTORNEY KEITH: Any statement you desire to make in the case? A No sir.

BY COMMISSION: There is offered in evidence a certified copy of a decree of divorce between Eliza Ellen Kitchen and Richard M. Kitchen.
BY COMMISSION OF ATTORNEY KEITH: You submit the case on behalf of the applicant: A I presume so; I will state that the woman, Mrs. Kitchen is now Mrs. Matteson.

BY COMMISSION: The attorney for the applicant in behalf of the applicant and the attorney for the Cherokee Nation in behalf of the Nation submit the case; same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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

M D Green

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, Secretary

OFFICE OF

# ATTORNEYS FOR THE CHEROKEE NATION

D--590

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

[redacted]

Vinita, Indian Territory, January 22d.,1906.

A. R. Quarry, Esquire,

Tulsa, Indian Territory.

Dear Arch:-

A man by the name of William Mattison has applied to the Commission for enrollment as a citizen of the Cherokee Nation by intermarriage. He claims that he is a Mexico, or some kind of an Indian, and he married a Cherokee just the same as two Indians married. That is, he wasn't required to take out a regular Cherokee license as the law provides for a white man, for the reason that he alleges that he is an Indian.

The point we now seek to make is, was he free to contract this Cherokee marriage? We have been told that he was previously married to a daughter of Bob Childers; that Bob Childers is now dead, but that his wife, Mrs. Childers, now lives in Tulsa, Indian Territory, and she had two sons named Bob and Sam Childers. We understand that Sam was shot by a chinaman. This Childers woman, daughter of Bob Childers, was at one time married to William Mattison, so we are informed; and after she separated from William Mattison, she married Burrell from the man who killed a Chinaman and was afterwards sent off to the penitentiary.

I wish you would see some of these people at once there and find out for us if William Mattison was actually married to the daughter of Bob Childers; and if so, when were they married, and who married them. If they got a license or a marriage license, see if you can get us a certified copy of it. If this daughter of Bob Childers is alive, see

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, Secretary

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE, IND. TER.

A.R.Quarry, Page 2.

her and have her tell all about it, and if you can get a record of this marriage, get it for us, and we will pay you for it. You might see the widow of Bob Childers, if she lives there yet, and see what she can tell you about it.

Yours very truly,

**A. R. QUERRY,**
LAWYER.
TULSA, IND. TER.

February 2, 1903.

Mr. J. C. Star,

Vinita, I. T.

My dear Cale:-

Replying to your kind favor of the 23rd ult., with reference to the application of one William Matteson for enrollment as a citizen of the Cherokee Nation, I will state; that I have interviewed his former wife, now Mrs. Lydia Cox-Jones, and she states that she was married to him about 1886, and that she had two children by him; she states that Matteson is a white man, and was never to her knowledge a part of any Indian Tribe or Nation except as her husband, under the old Territory Laws of the Cherokee Nation.

I shall be very glad to represent you in taking the testimony of Mrs. Jones, who was Mrs. Burrel Cox, and Mrs. William Matteson, respectively.

Trusting that this information is what you desire, I remain,

Yours very truly,

A. R. Querry

IN THE MATTER OF THE APPLICATION OF

William Mattison

FOR ENROLLMENT AS

CHEROKEE CITIZENS

[illegible] on A 9756

Note - Shown on ar no. 73

[illegible]

William Matteson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Feb 16 1900

B Memo of identification Oct 16/1900

C Notice of final consideration 3/5/02

D Certified copy of divorce decree

E Receipt for testimony

F Order closing testimony 3/5/02

For Cherokee Docket # 44410

Cher D 600

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., September 16, 1896.

In the matter of the application of Squire Lincoln Parnell for enrollment as himself and a child of Shawnee blood and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A Squire Lincoln Parnell.
Q How old are you? A 32.
Q What is your post office? A Sonora.
Q Do you live in Cherokee District?
Q Do you want to enroll yourself and family? A Yes, sir.
Q You have a wife? A Yes, sir.
Q How many children? A No children at all.
Q Are you a Cherokee by blood? A I am a Shawnee.
Q What is your wife? A A white woman.
Q How long have you lived in the Cherokee Nation? A I have lived here 20 years.
Q Give me the name of your father? A W. F. Parnell
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Her present name is Norris Ross.
Q Is she dead? A No, sir.
Q What was the name of your wife? A Lulu Hampton.
Q How old is she? A She is 27.
Q When were you married to her? A I was married in 1893.
Q Have you a certificate of your marriage? A Yes, sir.
(The applicant presents a license issued by the clerk of the United States court, First Judicial Division, Indian Territory, on February 11, 1893, authorizing marriage between himself and Lulu M. Allen. The certificate shows that they were united in marriage by the Rev. D.H. Allen on the 26th of the same month and presumably in the same year, but the figures for the year isn't filled out. These documents are of record March 26, 1896. They are filed herewith.)
Q You and your wife live together and in the Cherokee Nation ever since your marriage? A Yes, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A She was married.
Q What was the name of her former husband? A Allen.
Q Was he a white man or a Cherokee? A He was a white man.
Q Was he dead when she married you? A He was supposed to be.
Q Had she been divorced from him? A She had been divorced.
Q Have you got a copy of the decree? A No, sir.
Q Give me his full name? A Robert Allen he went by I know.
Q When was your wife married to him? A I don't say.
Q When did she quit living with him? A About 1890.
Q Where were they married? A At Atchison, Kansas.
Q Where do you think your wife procured the divorce from him? A At that place.
(Squire Lincoln Parnell on 1880 roll, page 130, No. 2844, Lincoln Parnell, Cooweescoowee district, adopted Shawnee; on 1896 roll, page 148, No. 329, Squire L. Parnell, Cooweescoowee district. Lulu M. Parnell on 1896 roll, page 300, No. 611, Lulu M. Parnell, Cooweescoowee district.)

The applicant applies for the enrollment of himself and wife. He is identified on the rolls of 1880 and 1896 as an adopted Shawnee. He states that he has lived in the Cherokee Nation for thirty years, and he will be listed now for enrollment as an adopted Shawnee. His wife is shown to have married him in 1893, she is identified with him on the roll of 1896, he states that she has lived in the Cherokee Nation ever since her marriage; that she was married before, and claims that the man was divorced and her former husband married in Kansas.

[illegible]

[illegible]

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[illegible] being duly sworn, does hereby [illegible] the foregoing to the five divisional [illegible] so [illegible] proceedings and testimony in the foregoing case and the [illegible] true and complete transcript of his stenotype notes thereof.

[illegible]

Sworn to and subscribed before me this [illegible] day of [illegible], 1944.

[illegible]

Stenotypist.

R

C. D-600

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

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Lula M. Purcell for enrollment as a Cherokee citizen.

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

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission for consideration at its office in Muskogee, Indian Territory, on the 5th day of March,1902, and that she could then and there appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. She was also notified to supply the Commission with a certified copy of the decree of divorce between herself and her former husband, Allen. Receipt has been acknowledged of the Commission's letter. The applicant having been called three times, and failing to respond, either in person or by attorney, it is directed that the case be closed and same reported to the Commission for final decision based upon the evidence now of record.

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

M D Green

T. D-600.

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

In the matter of the application of Jane Riley for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-600.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by J. T. Davenport.

C. W. LEARNED, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A C. W. Learned.
Q Where do you live? A Neosho Falls.
Q What is your age? A 46.
Q How long have you lived at Neosho Falls, Kansas, Mr. Learned?
A Ever since '57.
Q After you went to Neosho Falls, Kansas, did you get acquainted with a family of colored people by the name of Landrum? A Yes, sir.
Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A Why about '68.
Q What were the names of the Landrums that you knew there, the older ones, Mr. Learned? A Jack and Jim.
Q Did they have a family there? A Yes, sir.
Q Where did they live with reference to where you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember; Ed Landrum, that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named, boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum he lived there in '68.
Q Did Jack Landrum have a family? A Yes, sir.
Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
Q What makes you remember that Jack Landrum lived there until about '68? A Why a fellow named Hanks had come out from Illinois to our place, and we went fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
Q Well now do you remember who were the witnesses in that case?
A Mr. Daniels was one.
Q Well do you remember any one else, whether anyone else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.
Q Do you know where either of the Landrum families moved to when they left your father's place or that neighborhood? A Why, yes, sir, Jim Landrum moved to town.
Q Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. I suppose he come back down here.
Q Now from the time you went to Neosho Falls—that was in what year?
A We went to Neosho Falls?
Q Yes, sir. Q Came there in '57.
Q Well now when did Jack and Jim Landrum move on your father's

place with reference to the close of the war, whether it was before or after? A Well this was after the war, '68 was the first I recollect of them.
Q Well now then they lived on your father's farm until about them?
A Yes, sir, on there in '68.
Q Jack or Jim move away first? A Jack moved away first.
Q When do you think now he left the farm? A Well I don't know as I could just say when he left, but he didn't stay there very long after that.
Q And Jim stayed there several years? A Yes, sir.
Q How many children had Jim when he came on your father's farm?
A Didn't have any, just married.
Q Did you know what his oldest child's name was? A Yes, sir.
Q What is it? A Called her Alice.
Q What was the next one? A Ed.
Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.
Q Where near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.
Q Well since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita and that's the first place I know when he left.
Q How long since you seen Ed? A Oh, it's been quite a while. He was back there once, but I didn't get to see him.
Q About how old would he be now, Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewheres along there.
Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.
MR. MULLETTE: When did you say your people first moved up there? A '57.
Q You remember that, do you? A I remember when I first moved there, yes, sir.
Q You was a year old at that time, wasn't you? A '57.
Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well I don't know as I remember.
Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.
Q Huh? A '57. Well I knowed them in '58.
Q Well you swear you remember? A But I don't know as I remember.
Q Why didn't you swear just now that you remember when your people moved there, didn't you? A I don't know as I did.
Q Didn't you just swear—I ask you in the presence of all these witnesses—swear that you remembered when your people moved there in '57, now answer whether you said that or not? A I don't think I did.
Q You swear that, do you; read the record.
(Record read.)
Q Now don't you think that's rather wild swearing?
MR. DAVENPORT: I object to that question.
MR. MULLETTE: Don't you think that's rather wild swearing?
COMMISSIONER: Answer the question, Mr. Learned.
A Swearing that I knew when I moved there in '57?
MR. MULLETTE: Yes, sir. A No, I don't recollect when I moved there in '57.
Q What made you swear it then? A Don't know as I understood the question.
Q Well I asked the question straight out: how old were you in '58? A About 11.

Q About eleven years old, and you remember the dates this length of time and exactly when these people left there, and everything they went, do you? A I remember because of the incident I told.
Q What incident? A The man getting in trouble and being arrested.
Q Can you remember the witnesses that appeared that length of time when you were only eleven years old? A Well Tom Daniels was a brother of Jim's, that's the reason I remember that.
Q You were 11 years old at that time, wasn't you? A Yes, sir.
Q And you remember all about that? A Well I don't remember all about it.
Q Were you at the trial? A No, sir.
Q How do you know who were the witnesses then? A Jim told me.
Q You're testifying to what people told you, are you? A I wasn't at the trial.
Q You don't know who were the witnesses, do you? A Jim said—
Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.
Q You don't know who were the witnesses? A Only what they said.
Q Do you remember when Jack Landrum left that country? A No, sir, I do not.
Q Didn't you say a while ago that he left there in '68? A No, I said he might have been away in '68, but I knew him there, '68, he was on our place in '68. Jack Landrum was there in '68.
Q Didn't you know that he is on the 1880 roll as a freedman citizen of the Cherokee Nation? A Well, I don't—
MR. DAVENPORT: I object to that because that's not evidence of where he was.
MR. MELLETTE: I would like to have the roll examined. I would like this testimony to show that John Landrum is on the 1880 roll, he was—
MR. DAVENPORT: That's no evidence where he was in '68.
COMMISSION: 1880 roll, page 121, No. 1831, John Landrum, Coweescoowee District, Adopted Colored.
MR. MELLETTE: Now There isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.
Q You wasn't at the trial? A Well, I might have been talking about it.
Q What makes that trial impress upon you the fact A Why that made me think when we was out there at the meeting.
Q What meeting? A Derby meeting.
Q When was that meeting? A That must have been along in about May, I guess.
Q Well do you remember everybody that you saw up there when you was 11 years old? A No, sir.
Q Huh? A Don't know, sir, as I remember, if they hadn't been living on our place.
Q Who lived on your place? A Jack Landrum and Jim.
Q Jack Landrum and Jim; where were they in '68? A Couldn't tell you.
Q Don't know where Jack Landrum or where Jim Landrum was in '68? A No, sir.
Q '67 where were they? A I couldn't tell you.
Q Don't know whether they was there or not, do you? A No, sir.
MR. DAVENPORT: You know that after that they lived on your father's place? A Yes, sir.
Q And you know that Jim Landrum's children were born while they were living on the place? A Yes, sir.
COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:
State of Kansas, }
Woodson County. }ss.
I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case

of the State of Kansas vs. Booth Banks was continued from the October Term, 1888, to the April Term, 1889, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 28th day of April, 1902.

(SEAL) A. C. Woodruff, Clerk."

MR. MULLETT: Did you ever see that certificate? A No, sir, I haven't seen it.

Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.

Q Who did look at it? A A man by the name of Keys.

Q Mr. Keys who was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you, didn't he? A I told him where he could find it: to go to Centr, the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedman cases: D-601, D-602, D-603, D-664, D-698, D-700, D-701, D-702, D-1113, and in D-600, the case at bar.

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Arthur G. Grondinger, 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. Grondinger

Subscribed and sworn to before me this 2nd day of May, 1902.

P. J. Kuter

Notary Public.

FILED
FEB 23 1905
COMMISSION TO FIVE TRIBES.

Cherokee D-800.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LULA M. PURCELL as a citizen by intermarriage of the Cherokee Nation.

SQUIRE L. PURCELL, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Squire L. Purcell.
Q What is your post office address? A Adair.
Q Are you a Cherokee by blood? A Shawnee by blood.
Q What is your wife? A White woman.
Q She claims no rights as a Cherokee by blood? A No sir.
Q Claims by intermarriage? A Yes sir.
Q When were you married to her? A 1893.
Q Where? A Big Cabin.
Q Were are your license? A They are on file.
Q Is Big Cabin in the Cherokee Nation? A Yes sir.
Q Have you and she lived together ever since? A Yes sir.
Q No separation, abandonment or divorce? A No sir.
Q Is she your first wife? A Yessir.
Q Are you her first husband? A No sir second.
Q What was the name of her former husband? A Robert Allen.
Q Was he dead when you married her? A Yes sir.
Q Have you and she lived together as husband and wife in the Cherokee Nation since your marriage? A In the Cherokee Nation with the exception of about two or three years.
Q Where were you at that time? A In Colorado.
Q What were you doing out there? A For the benefit of her health.
Q For no other purpose? A That is all.
Q She is living is she? A Yes sir.

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

George H. Leasley

Subscribed and sworn to before me this 23rd day of February, 1905.

W. A. Hurdle

Notary Public.

IN THE MATTER OF THE APPLICATION OF

Lula M Purcell

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 16/1908
B Memo of application Oct 16/1908
C Marriage license & certificate
D Notice of final consideration 3/5/02
E Order closing testimony 3/5/02

See Cherokee Jack 14448

OCT 25 1907

Cher D 601

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

In the matter of the application of Martha A. Storey for the enrollment of herself and children as Cherokee citizens, being sworn and examined by Commissioner Needles she testifies as follows:

Q What is your name? A Martha A. Storey.
Q What is your age? A 51.
Q What is your post-office address? A Lenapah.
Q What district do you reside in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation by A Yes sir, by adoption, adopted Shawnee.
Q What degree of blood do you claim? A Over half I guess.
Q For whom do you apply for enrollment? A Myself and my children.
Q What is your father's name? A Long, I couldn't tell you his given name.
Q He is not living? A No sir.
Q Your mother not living either? A No sir.
Q What are the names of your children? A Percy Austin Shufeldt
Q How old is he? A 18 or 19.
Q What is the name of the next one? A Zoe Bula Shufeldt.
Q How old is Zoe? A She is 16.
Q What is the name of the next one? A Benjamin Cyprian Shufeldt
Q How old is Benjamin? A 13.
Q Any others? A Marietta Shufeldt, 11 years old
Q What is the name of the next one? A Markham William Shufeldt, 8 years old.
Q Any others? A That's all.
Q Your present name is Storey? A Yes sir.
Q You were married before? A Only to Mr. Shufeldt.
Q Was he your first husband? A Yes sir.
Q What was his name? A M.C. Shufeldt.
Q Is he living? A No sir.
Q What was your maiden name? A Long.
Q Was that your name in 1880? A I was married in 1869.
Applicant: I don't think you will find my name on the 1880 roll; I came in through council.
Q Have you got any certificate? A Yes sir. (Produces papers)
Com'r: The applicant presents certified copy of an act of the National Council approved December 9th 1889, by D. W. Bushyhead Principal Chief, admitting among others one Martha Shufeldt to all the rights of Cherokee citizenship; said certificate of citizenship being under the great seal of the Cherokee Nation, signed by John L. Adair, Assistant Secretary; the provisions of said act being that said Martha Shufeldt shall pay to the treasurer of the Cherokee Nation the sum of 195 dollars; she also presents a receipt signed by D. W. Lipe, Treasurer, of the Cherokee Nation, under date of May 16 1893, for the sum of [illegible] dollars.
Q You were admitted under this in December 1889. A Very well, you lived at that time? A We were living [illegible] Kansas at that time; Mr. Shufeldt was [illegible]
Q When did you remove to the Cherokee Nation? A [illegible] years ago this last April.
Q That was in 1899? A Yes sir.
Q You lived in Kansas until 1899? A [illegible] Shufeldt has been here 18 years.
Q If he living? A No sir, he died.
Q He was here 18 years, but you were not here? A No, I was [illegible] here.
Q Have your children been born? A They have all been born up there, excepting the 2 youngest, Benjamin and Mark.
They were born here in the Territory.

Q You mean Marietta and Markham? A Yes sir. I call her Dolly; nick-name.
Q Are these children alive and living with you at this time?
A Yes sir.
Q You have been living continuously then in the Cherokee Nation since 1888? A Yes sir.
1896 roll page 350 #323 Martha A. Shufeldt Cogwagogwah
1896 roll page 350 #325 Percy A. Shufeldt "
1896 roll page 350 #326 Zoe E. Shufeldt "
1896 roll page 350 #327 Benjamin C. Shufeldt "
1896 roll page 350 #328 as Mary E. Shufeldt "
1896 roll page 350 #329 as Mark W. Shufeldt "
Q Did your husband, Shufeldt, get a license? A Yes sir, he was an adopted Shawnee; he was adopted in Johnson County Kansas; I have got my license at home.
Q You state then under oath that your husband, H. C. Shufeldt when did he remove here you say? A I don't remember just what time, it has been, it was 18 years ago.
Q But he didn't remove his family here? A No, he had some of the children with him.

Con'r Meadlen: The name of Martha A. Storey is found upon the census roll of 1896 by her former husband's name, who is now deceased, Shufeldt; the names of her children, Percy A., Zoe E. Benjamin C. Marietta and Markham W. are found upon the census roll of 1896; the name of the applicant, Martha A. is not found upon the authenticated roll of 1880, but she presents certificate of admission more particularly described in the testimony, admitting her as a Cherokee citizen of Shawnee blood; because of the fact that she did not removed to the Cherokee Nation until the year 1888, and the law of the Cherokee Nation provides that all Shawnees who shall elect to avail themselves of the provisions of the agreement approved by the President in 1869, shall register their names and permanently locate in the Cherokee Nation within two years from the date, or otherwise they shall forfeit all the rights of the agreement; because of the further provision of the Cherokee law approved December 4th 1894, providing that all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are required to permanently locate in the Nation within 6 months from the passage of said law, which was approved December 4th 1894; because of the further fact that the provisions of the Curtis Bill provid that all Cherokee citizens who were recorded on the Cherokee Nation at the time of the passage of said bill;- said United States law being conflicting final decision as to the enrollment of said Martha A. Storey and her children will be suspended, and their names will be placed upon doubtful card

N.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.

N D Green

Subscribed and sworn to before me this 10 day of October 1900.

C. A. Mueller
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF INDIAN AFFAIRS.

ACTING CHAIRMAN.

"R"

Cherokee D 601

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Martha A. Storey for the enrollment of herself and children as citizens of the Cherokee Nation.

Appearances:
Applicant in person and by attorney, J.H.Keith, Coffeyville, Kansas;
W.W.Hastings, attorney for the Cherokee Nation.

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

MARTHA A. STOREY, being first duly sworn and being examined testified as follows:
BY MR. KEITH:
Q State your name and place of residence? A Martha A. Storey.
Q Where do you reside? A Cooweescoowee District.
Q How long have you been married to Mr. Storey? A We was married in 1896, if I remember right.
Q What was your name prior to your marriage to Mr. Storey? A Martha A. Shufeldt.
Q You were married to Shufeldt? A Yes sir.
Q ~~Where~~ Is he now living? A No sir.
Q When did he die?A He died in 1895.
Q When were you married to Mr. Shufeldt? A 1869.
Q Did you live with him until the time of his death? A Yes sir.
Q Where were you married? A In Johnson County, Kansas.
Q When did you first come to the Indian Territory? A My first trip down here was in 1883.
Q Where did you come then? A Come here where we are living now, on Hickory Creek.
Q How long did you stay there? A I stayed there that time two or three months, if I remember right; I don't remember just how long I was down here at the time, I don't really know how long I stayed that time.
Q How much of your time were you down in the Indian Territory prior to 1888? A I was down here often and on, come down here every two or three months maybe five or six months.
Q Where was your husband during that time? A Down here most of the time.
Q What was he doing? A Making our home.
Q A farm up there on Hickory Creek? A Yes sir, we had a farm up there on Hickory Creek.
Q Did he have any property outside of improvements while he was living on Hickory Creek between 1883 and 1888? A Yes sir, he had stock, cattle and horses and hogs.
Q Well you come down three or four times a year? A Yes sir.
Q How long would you usually stay? A Sometimes a month, two or three months,sometimes only six weeks.
Q Did you have anybody keeping house for you down in the Indian Territory during those years? A Yes sir.
Q Where did you stay that portionof the time that you spent out of the Indian Territory during the interval between 1883 and 1888?
A I stayed up in Johnson County looking after things up there, so I

could arrange things to come down.
Q I will ask you if Mr. Shufeldt owned a farm in Johnson County, Kansas, from 1883 up until the time of his death? A Yes sir.
Q Was he farming that farm between 1883 and 1888? A No sir.
Q What was being down withit? A Rented itout.
Q What farming he was doing was down here?A Just down here, yes sir.
Q For what reason did you spend a portion of the time you have just testified in Johnson County Kansas? A Well on account of my health. I didn't have very good heatlh at that time and my physician was up there and I was there on that account.
Q I see that sometime after that you spent a few months in California, I will ask you if that was for the benefit of your health? A Yes sir, and on account of Mr. Shufeldt's health, he had awful poor health and so did I.
Q You lived there for the benefit of your health for a short time? A Yes sir.
Q You say that between the years 1883 and 1888 all of thebusiness of you and Mr. Shufeldt was carried on down here?A Yes sir.
Q You had rented out your farm you had in Kansas? A Yes sir.
Q You had a housekeeper here and spent part of the time in the Indian Territory? A Yes sir.
Q And part of the time in Kansas for your health? A Yes sir.
Q I will ask you if youhad a physician in Johnson County,Kansas, during those years? A Yes sir.
Q Were your children minors during the interval between 1883 and 1888? A Yes sir, theywere minor children.
Q I will ask you if any of those children spent their time in the Indian Territory? A Yes sir.
Q Any of them spend all of the time down here? A Yes sir.
Q Or come with you? A Well I left them down here; they come down with me and part of them stayed here.
Q I will ask you if this was your home then during that peridd? A Yes sir, I calledit my home.

BY MR. HASTINGS: I desire that the record in this original application, October 16,1900, which states that this woman presented a ~~certificate approved~~ certified copy of the act of National Council approved December 9,1889, be corrected It is evidently 1882 or '3.

BY COMMISSION: It appears from the certificate of admission which is ~~filed~~ in offered in evidence and which this day has been filed and made a part of the record in the case, that the applicant was admitted to citizenship on the 9th day of December,1882, instead of the 9th day of December, 1889, as shown when the certificate was presented at the time the original application was made at Nowata on the 16th day of October,1900.

There is also offered in evidence by the attorney for the applicant a marriage certificate showing that Henry Shufeldt a citizen of the United States, and Martha Shufeldt, were united in matrimony on the 18th day of May,1883, by J.L.Thompson, deputy clerk of Delaware District,Cherokee Nation. This is filed herewith.

There is also offered in evidence a receipt signed by D.W. Lipe, Treasurer of the Cherokee Nation, bearing date of May 16,1883, showing that he received from H.C.Shufeldt the sum of 195 dollars, the samebeing due on the admissionof Martha A. Shufeldt to citizenship, per act of Council dated December 9,1882. Same is filed herewith.

Likewise, a certificate signed by Robert B. Ross, treasurer of the Cherokee Nation, bearing date September 8,1888, showing that he received from Percy Shufeldt the sum of 195 dollars, for and in consideration of citizenship in the Cherokee Nation of said Percy Shufeldt, as per an act of the National Council approved December 9,1882."

BY MR. HASTINGS:

Q Mrs. Shufeldt, the only ones that you applied for that were admitted were yourself and Percy; the only people on this certificate of admission that you applied for are yourself and Percy you say? A Yes sir, he was the youngest ~~ne~~ one; he was the baby.
Q Percy didn't pay in his money until 1888, according to this receipt? A Yes sir.
Q That right? A Yes sir.
Q You and your husband were in bad health along from 1883 until 1888? A Yes sir.
Q He stayed down here as a health resort nearly all the time?
A He came down here to make our home.
Q But he was in bad health? A Yes sir.
Q This was a health resort for him?A I don't know about that, he came down here to makeour home.
Q Johnson County was a health resort for you? A Part of the Time.
Q The Cherokee Nation didn't agree with you? A No sir, not very well.
Q Johnson County didn't agree with him? A He had bad health.
Q Got so bad up in Johnson County that he had to go to California?
A Yes sir, he went there.
Q You have ~~mantinnat~~ managed to live here though fro m 1888? A Oh yes.
BY MR. KEITH:
Q He didn't though, did he? A No sir, he died.
BY MR. HASTINGS:
Q You have managed to live here though from that time on? A Yes sir, well I come down here and had to get used to the climate, it didn't agree with any of us when we first came down here. We all had bad health the first three or four years.
Q You were admitted in 1882? A Yes sir.
Q And you came here in 1888 to live? A Yes sir, well I come here beforethat off and on. I came here for the purpose of making my home here, but the final movement I made in 1888, I had been ~~mak~~ moving down all that time from 1882 to 1888.
Q You owned a farm in Johnson County? A Yes sir.
Q You own it yet? A Yes sir.
Q You have always owned it? A From 1882 until 1888.
Q While you were in Kansas you lived on that farm? A No sir, I didn't live there, always.
Q Well while you were up in Kansas you were on this farm were you not? A I go there, yes, that's all the place I had to go to.
Q Oh of course I know you were not there a tenth of your time, but the time you were in Kansas, you were on this farm? A Yes sir, when I go back I go to that farm.
Q Where did you live the time you spent in Kansas from 82 until 1888? A I lived there part of the time and here part of the time.
Q But the time you lived in Kansas, madam? A I lived on that place up there.
Q How much of the time did you spend down here in 1883? A I could not remember, I didn't put down the dates. I was here about half of the time as well as I can recollect.
Q Don't you think you were here more than half of that time? A I didn't say that, I may have been.
Q Don't you think you were here as much as three-fourths of your time in 1883? A I guess I was.
Q As much as three-fourths of your time in 1884? A Yes sir.
Q As much as three-fourths of your time in 1885? A Yes sir.
Q As much as three-fourths of your time in 1886? A Yes sir.
Q As much as three-fourths of your time in 1887? A Yes sir.
Q Ned do you make these statements? A Yes sir.
Q Did you make that part of a statement when you were here before the Commission, before? A No sir, they didn't ask me to, I merely answered the questions they asked me.

Q They asked you the question before "You lived in Kansas until 1888?" and your answer was to that: "Yes sir, except Mr. Shufeldt, he has been here 18 years." You stated before that all of your children were born in Johnson County excepting the two youngest? A Yes sir.
Q Now one of them was born, according to your statement in '84 Zoel, she is 16 yearsold? A Yes sir, she was born in Kansas. I went up there on account of my physician being up there, and this country was newly settled and I didn't like to stay here at that time; I went back on that account.
Q Benny was born up there? A Yes sir.
Q Well how about your physician being up there when Marietta? A This country was more settled and I got acquainted with the people down here and the physicians also.
Q Is not there something in the fact that Marietta was born in 1889 and you were moved down here in 1888? A No sir, she was born here in the Territory.
Q After you moved down here in 1888 you didn't have any occasion to go back up there? A Well as I tell you before, I got acquainted with the people down here, and I stayed down here at that time, but before it was merely a new country here and I was not acquainted with anybody, and the physicians also, and I went back to my own physician up there in the State.
Q You were down here according to your present statement about three-fourths of the time, and yet you were not here enough to get acquainted with them? A Well I would rather go back to my old-
Q You answered this question before: "But he didn't remove his family here?" referring to your husband, you answered at that time, "No." "He had some of the children with him."? A Yes sir, I left some of the children down here.
Q Which one did you leave? A Laura, John Shufeldt.
Q Not a one of these children has applied with you for enrollment not one of their names appear on this card? A Annie Laura is my child.
Q None of these that's on this card down here? A No I guess not.
Q They were both with you? A Let's see which ones.
Q Those that's under age, they were both with you? A Oh they were the younger ones, and the older ones was down here, big enough to help do something.
Q Did your husband farm downhere? A Yes sir.
Q How much of a farm did he have in Johnson County? How many acres? A Well we had 240.
Q You own it now? A Yes sir.
Q Have owned it all the time? A Yes sir. Didn't want to give it wa away.
Q All the time that you were living up there from 1882 until 1888 as you testified before, in this time your home was down here in the Cherokee Nation? A Yes sir.

BY MR. KEITH:

Q That farm has been rented out ever since 1883 has it not? A Yes sir.
Q Has not been cultivated since that date by either you or Mr. Shufeldt? A No sir.

BY MR. HASTINGS:

Q Your husband was in bad health in '82 and '3 was not he? A Why he was in bad health before that time.
Q Was not able to do much work? A No sir.
Q He didn't farm anywhere at that time? A He did up there before he got in bad health.
Q I mean after that? A No sir, he looked after the business.
Q He didn't farm himself, personally, down here? A No sir.
Q Had it rented out down here? A No sir, he hired hands, he was not able to do hard day's work.

Q You know he didn't actually go out and make a farm with his hands himself? A He done some work.
Q Did he make a crop himself, regularly? A Not by himself, no sir.
Q Did he put in corn separate and apart from hx for himself and plow it? A By himself? no sir.
BY MR. KEITH:
Q He had hired men to do all these things? A Yes sir.

ARTHUR DODGE, being first duly sworn and being examined testified as follows:
BY MR. KEITH:
Q Please give your name and place of residence? A Arthur Dodge.
Q Where do you reside? A About nine miles north-west of Nowata, Indian Territory.
Q How long have you livedin that country? A Well where I live now 21 years.
Q How long have you lived in the northern part of the Indian Territory? A Most of the time 30 years, but where I live now 21 years.
Q Are you acquainted with Martha A. Storey, the applicant in this case? A Yes sir.
Q How long have you known Mrs. Storey? A Since about 1883.
Q Where did you know her? A I first seen her at the Shufeldt ranch about six or seven miles north of my, on Hickory Creek.
Q In the Cherokee Nation? A Yes sir.
Q How often did you see her there between 1883 and 1888? A I don't mind seeing her there but three or four times.
Q How often were you there? A Several different times during the three or four years.
Q Shufeldt was farming there? A He had a farm there, and a bunch of cattle.
Q He was there? A Most of the time.
Q You saw his wife there?A I saw her there several times.
BY MR. HASTINGS:
Q You knew that his family didn't live there between those years, between 1882 and 1888? A They didn't stay there permanently; I saw her there, andone of the girls and Johnnie.
Q You knew they were there from Kansas? A Yes, they seemed to be there from Kansas; the old man was in bad health I think; he stayed there nearly all his time.
Q You knew from neighborhood information and from him that the family was in Kansas and he was there improvemeing the farm?
A Yes sir, I could see that, backwards and forwards.
Q How far did you live from the ranch? A I think about seven miles then.
Q You had occasion to be aro und there frequently? A Yes sir.
Q You saw her there three or four times? A I seen her there several times during ,- well as near 1883, the time that railroad was built.
Q I want to know if you know between those dates whether she lived there and kept house between 1882 and 1888? A All I can say I have seen her doing house work there at the ranch when I was there.
Q At the ranch? A Yes sir.
Q You knew she was not there permanently? A I would consider it not permanently.
BY COMMISSION: This case is continued until half-past one o'clock, this afternoon, for the appearance of further witnesses.

AFTERNOON, March 5,1902, time: 1:45, P.M.
Appearances:
Same as in forenoon. (Continued from forenoon.)

Q You remember how long she stayedin 1884 when she came down? A I think she stayed biggest part of the summer in 1884.
Q How about in 1885? A I could not say in 1885, as to how long she did stay.
Q You remember in 1886? I believe that she stayed quite a while in 1886. I believe my sister was married in 1886 and I think she stayed a good deal of the time that summer.
Q She came in the summer, did she? A Yes sir.
Q How about in 1887? A I couldn't tell you exactly how long she stayed .
Q She didn't remove her household effects our of her house up there? A No sir, not all of them, no sir.
Q When were they moved down to the Territory? A They moved the last of the household goods in 1888 I think,
Q That is when they brought the family and children, the smaller children down? A Yes sir.

BY MR. KEITH:

Q They had moved part of the household goods from time to time prior to 1888, had they? A Yes sir, we had moved part of it.the household goods, and all of her stock too.
Q The first year you came down here, in 1883? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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

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M.D.Green, hereby certifies 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 atrue and complete transcript of his stenographic notes thereof.

M D Green

# CORRECTION

THIS DOCUMENT HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY

J.H.SHUFELDT, being first duly sworn, and being examined testified as follows:

BY MR. KEITH:

Q Please state your name and place of residence? A J.H.Shufeldt, Lenapah, I. T.

Q How long have you resided in or near Lenapah, Indian Territory? A I have been living there since 1884.

Q What relation do you sustain to Martha A. Storey, the applicant? A She is my mother.

Q Do you know when your father, H. C. Shufeldt, came to the Indian Territory? A Yes sir.

Q When? A I think he came in the fall of '83.

Q Do you know when yourmother first came down? A She came here during the summer of 1884.

Q Well now from 1884 to 1888 how often was she in the Indian Territory? A She came down there twice or three times a year.

Q What place did she spend her time during those years when she was not in the Indian Territory? A In Kansas, Johnson County, Kansas.

Q Had that been your former home? A It had, yes sir.

Q Did your father own a farm up ther e at that time? A Yes sir.

Q Do you know what was done with that farm, after he came, your father, to the Indian Territory? A Rented the farm out up there, it was rented out.

Q What was your father doing between the years 1883 and1888 in the Indian Territory? A He was there on the ranch with me.

Q Well, was he making improvements and farming? A Yes sir, he was making a place there, made our ranch there.

Q Did you subject any land to cultivation? A Yes sir.

Q Build any houses, fences, barnes, orchards? A Build two houses and put in an orchard and broke out a couple of places.

Q And fenced them? A Yes sir.

Q Do you know why it was that your mother didn't reside during those years continuously with your father upon the ranch? A Why the greatest reason she stayedup there, especially in the winter time, was for the school purposes.

Q Did you keep house down here? A Yes sir, we had a housekeeper, there, while my mother was not there.

Q she was here part of the time and would go back with the children to Kansas? A Yes sir.

Q And in her absence you kept a housekeeper? A Yes sir.

BY MR. HASTINGS:

Q Your father andmother had a place in Johnson County Kansas? A Yes sir, they had 320 acres there.

Q They had livedup there up until 1883? A Yes sir.

Q Your father farmed there before that time, didn't he, or rent it? A We farmed it all ourselves before we come downhere.

Q Never did any renting up to that time? A No sir.

Q Yourmother had some small children a t that time? A Yes sir, had nearly all of them were small; BY HASTINGS:

Q They remained up therein Kansas while your father was down here on the ranch? A Yes sir, all the time through the winter.

Q Mr. Shufeldt, yourmother came down here on a visit to see your father on theplace? A Yes sir, shecame down to see how we was getting along, and spend the summer with us.

Q About how long is the longest that you know that she was down there, a week or ten days; she stay as much as a week or ten days? A I think the longest she stayed was possibly two and a half or three months.

Q What was the customary length of time that she stayed? A Well not over a couple of months.

Q Came down once or twice a year would she? A Yes sir.

Q Leave the children up in Kansas? A Thaye was once or twice that she brought some of them with her.

Q She didn't always stay as long as two months when she would come down did she? A I believe pretty well always.

Q You remember how long she stayedin 1884 when she came down? A I think she stayed biggest part of the summer in 1884.
Q How about in 1885? A I could not say in 1885, as to how long she did stay.
Q You remember in 1886? A I believe that she stayed quite a while in 1886. I believe my sister was married in 1886 and I think she stayed a good deal of the time that summer.
Q She came in the summer, did she? A Yes sir.
Q How about in 1887? A I couldn't tell you exactly how long she stayed .
Q She didn't remove her household effects our of her house up there? A No sir, not all of them, no sir.
Q When were they moved down to the Territory? A They moved the last of the household goods in 1888 I think,
Q That is when they brought the family and children, the smaller children down? A Yes sir.

BY MR. KEITH:

Q They had moved part of the household goods from time to time prior to 1888, had they? A Yes sir, we had moved part of it.the household goods, and all of her stock too.
Q The first year you came down here, in 1883? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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

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N.D.Green, hereby certifies 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 atrue and complete transcript of his stenographic notes thereof.

N D Green

Cherokee D 601.

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

In the matter of the application for the enrollment of Martha A. Sterey, Percy A., Zoe E., Benjamin C., Marietta and Markham W. Shufeldt as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on October 16, 1900, Martha A. Sterey appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and her five minor children Percy A., Zoe E., Benjamin C., Marietta and Markham W. Shufeldt as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 5, 1902.

The evidence shows that the said Martha A. Sterey and Percy A. Shufeldt were admitted to citizenship in the Cherokee Nation under an act of the Cherokee National Council approved on December 9, 1882, under the names respectively of Martha Shoefeldt and Percy A. Shoefeldt, with the condition embraced in said act that each of those so admitted pay to the Treasurer of the Cherokee Nation the sum of one hundred and ninety five dollars. It further appears that the amounts specified in said act were duly paid to the Treasurer of the Cherokee Nation on account of the said Martha A. Sterey and Percy A. Shufeldt. It further appears that all the minor children for whom application is made herein except Percy A. were born since the admission of their mother to citizenship. All of these for whom application is made herein are identified on the 1896 Census roll of the Cherokee Nation.

It further appears that Martha A. Sterey removed to the Cherokee Nation with her family in 1888; that they have continued to reside therein, and were residents of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Martha A. Sterey, Percy A. Shufeldt, Zoe E. Shufeldt, Benjamin C. Shufeldt, Marietta Shufeldt and Markham W. Shufeldt should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner

Commissioner.

Dated at Muskogee, Indian Territory,

this 30 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 601.

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Martha A. Storey for the enrollment of herself and her five minor children, Percy A., Zoe E., Benjamin C., Marietta and Markham W. Shufeldt, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 64.

THE APPLICATION OF

Martha A Storey

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 16/1900

B Memo of application Oct 16/1900

C Notice of final consideration, 3/5/

D Receipt for testimony

E Certificate marriage

F 2 receipts

G Act to admit applicant

H Supplemental test. order claim testimony

See Cherokee Creek

Adisin — 6

Cher D 602

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 18, 1900.

In the matter of the application of Charles H. Shufeldt for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Charles H. Shufeldt.
Q What is your age? A 28.
Q What is your post-office address? A Lenapah.
Q In what district do you live? A Chouweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A I don't know.
Q What is your blood? Shawnee? A Yes sir.
Q What degree, etc of Shawnee blood have you got? A I think about a quarter.
Q Who do you want to enroll? A Myself and 2 children.
Q What are your children's names? A Charles A. Shufeldt.
Q How old is he? A 5 years old.
Q What is the name of the next one? A Dora A.
Q How old is Dora A.? A 3.
Q What is the name of your father? A H.C. Shufeldt.
Q Is he living? A No sir.
Q What is the name of your mother? A Martha A. Storey now.
Q Is she living? A Yes sir.
Q What is the name of the mother of these children? A Lottie Bell Shufeldt.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Have you any certificate of marriage to her? A I married in the State of Kansas. I never was married under the Cherokee law.
Q Where is your certificate of marriage? A I have it with me.
Q You were married in the State of Kansas? A Yes sir.
Q Where were these children born? A In the Cherokee Nation.
Q How long have you been living here? A About 12 years.
Q Where were you born? A Born in Johnson County Kansas.
Q When were you born? A Born in the year 1875.
Q Your mother was admitted as a Shawnee. A Yes sir.
Q To Cherokee citizenship December 9th 1892, were you admitted by mistake. A I don't think I was.
Com'r: Applicant presents certificate of admission, being a certified act of Shawnee council under date of December 9th 1892, admitting one Martha Shufeldt to Cherokee citizenship, as a Shawnee said act being approved by D. W. Bushhead, Principal Chief, certified to by John L. Adair Assistant Secretary, under the great seal of the Cherokee Nation; for further particulars as to the citizenship of Martha Shufeldt see evidence of Martha Storey given in her case of her own application.

MARTHA A. STOREY, being sworn and examined by com'r Needles testified asfollows:

Q What is your name? A Martha A. Storey now.
Q You are the identical Martha Shufeldt who was admitted to Cherokee citizenship December 9th 1892? A Yes sir.
Q Are you the mother of Charles H. Shufeldt? A Yes sir.
Q What year was he born? A 1870, July 9th.
Q That was four years before you were admitted? A Yes sir.
Q His name does not appear on the list of persons? A No, they never left his name out; his name was sent in.
Q He was living at that time? A Yes sir.
Q Did you pay any money dollars for it to Charles H.? A I [illegible] what Mr. Shufeldt said, but I was not my re[illegible]

Q You paid 195 dollars I see here for Frank, one of your sons?
A Yes sir.
Q Was he a minor at that time? A He was at that time.
Q You present here a certificate showing that 195 dollars was paid for John Shufeldt, was he a minor at that time? A Yes sir.
Q And also for Percy, was he a minor at that time? A Yes sir
Q But you present no receipt for Charles? A I thought he paid but never got any receipt.
1896 roll examined for applicant and name not found;
1896 roll examined for child and name not found;
Q Charles E. don't appear to be on the roll of 1896? A They wouldn't take him on at that time, I tried to get them and to and they wouldn't take him.
Q Did you ever receive Strip money for him? A Yes sir, he d drawed every time I did, and lots of times he drawed for himself.
The Okee-Shawnee Pay roll of 1896, page 33 #649 Charles Shufeldt.
1894 roll, Cherokee Shawnee pay roll examined for child and name not found;
1894 roll, Cherokee pay roll, examined and name of applicant not found:

APPLICANT RE-CALLED:
Q What was your wife's maiden name? A Greggs.
Q When were you married? A in 1894.

Comr Needles: The name of Charles E. Shufeldt is found upon the Cherokee-Shawnee Pay roll of 1896; his name is not found upon the Cherokee Strip Payment roll of 1894; he avers that he has two children, Charles A. and Dora A., aged respectively 5 and 3 years, whose names do not appear upon the roll; he avers also that he was married to Lottie A. Greggs, a white person, in the year 1894, but presents no certificate of marriage; satisfactory proof is made that he is the son of Martha A. Storey, and claims citizenship by reason of his mother having been admitted in the year 1882; his name does not appear in the Act of the Cherokee Council presented providing for the admittance of his said mother, and her children; he avers and proves that he was born in the year 1875, and was a minor at the time of his mother's admission. Because of the doubtful character of the citizenship of his mother, as well as his own, and in view of the fact that he presents no certificate of marriage and no proof of birth as to his children, named; the name of Charles A. Shufeldt and his children will be placed upon a doubtful card, and final judgment as to their enrollment will be suspended; it will be necessary for him to present in addition a certificate of marriage to his wife, and certificates of birth as to his children, and also proof of the payment of 195 dollars required to be paid by each person who acquired Cherokee citizenship under the Treaty of 1866.

W.D. Green, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and 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 16th day of October 1906.

C Needles

"R"

Cherokee D 602

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

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Charles H. Shufeldt for the enrollment of himself and children as Cherokee citizens.

Appearances:
J. H. Keith, Coffeyville, Kansas, attorney for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

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

BY MR. KEITH: I desire to present some certificates in the matter, in the event I found that I would be unable to introduce some proof that he has paid this 195 dollars; I shall not come back for him, and I thought I would like to present these because I would not introduce further testimony. (Hands papers to Commission.)

BY COMMISSION: There is offered in evidence by the attorney for the applicant a duly executed affidavits as to the birth of James Arthur Shufeldt, born on the 6th day of June,1895, and Dora Austin Shufeldt, born 7th day of May,1897; and same willbe filed.

There is offered in evidence certified copy of marriage license issued by N. B. Light, probate judge, Chatauqua County, Kansas, on the 25th dayof June,1894, authorizing the marriage of Charles E. Shufeldt of Indian Territory and Charlotte B. Griggs, of Indian Territory, and a certificate showing that they were united in matrimony by N. B. Light, Probate Judge aforesaid, on the 25th day of June,1894; this document will also be filed.

BY MR. KEITH: The attorney for the applicant asks a continuance of this hearing be had until the 20th day of March,1902, for the reason that they desire to present documentary evidence and oral evidence of the payment of 195 dollars to the Cherokee Nation on behalf of said Charles H. Shufeldt; this testimony we arenow unable to produce.

BY MR. HASTINGS: The representatives of the Cherokee Nation warn the applicant that he intends to object to any oral evidence being introduced as to the payment of this money.

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

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

M.D. Green

To be filed in C. D-602.

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

In the matter of the application of Charles E. Shufeldt et al. for enrollment as citizens of the Cherokee Nation.

Represented by J. H. Keith, Coffeyville, Kansas.

—o—

On March 5, 1902, the applicant appeared by his attorney and in person and introduced testimony as regards the application of Charles E. Shufeldt for the enrollment of himself and children as citizens of the Cherokee Nation, and by agreement the case was continued until April 5, 1902, for the purpose of introducing documentary evidence as to the payment of $195.00 to the Cherokee Nation on behalf of the said Charles E. Shufeldt.

Under date of April 1, 1902, the Commission received a letter from J. H. Keith, the attorney for the applicant, stating that he was unable to procure the evidence he desired to introduce, and submit the case to the Commission for decision based upon the evidence of record.

The record in this case is now deemed completed and the same will be reported to the Commission for decision based upon the evidence of record.

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

E. L. Sotheatongsee

Cherokee D 602.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles E., Charles A. and Dora A Shufeldt as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on October 16, 1900, Charles E. Shufeldt appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself, and his two minor children, Charles A. and Dora A. Shufeldt as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 5, 1902, and on April 5, 1902.

The record in this case shows that the said Charles E. Shufeldt is of Shawnee blood, and that he is the son of Martha A. Shufeldt, who was admitted to citizenship in the Cherokee Nation on December 9, 1882, by an act of the Cherokee National Council upon condition that she pay to the Treasurer of the Cherokee Nation one hundred and ninety-five dollars. The said act of the Cherokee Nation Council included Laura Ann, John, Frank and Percy Shufeldt, children of the said Martha A. Shufeldt, and they were admitted upon the same conditions as their mother, but the name of Charles E. Shufeldt is not embraced therein, although he was living at that date. It further appears that subsequent to the date of the said act, Martha A. Shufeldt paid to the Treasurer of the Cherokee Nation the amount of money required to be paid by her, but it does not appear that Charles E. Shufeldt, or any person for him, paid this sum of one hundred and ninety five dollars or any other sum to the Treasurer of the Cherokee Nation.

The said Charles E. Shufeldt is identified on the Cherokee Shawnee Pay Roll of 1896.

It further appears that the said Charles E. Shufeldt had resided in the Cherokee Nation about twelve years next before the date of the application.

It further appears that Charles E. Shufeldt was married to his wife, Lottie E., on June 25, 1894. The two minor children Charles A. and Dora A. Shufeldt are duly identified by affidavits of birth on file with this Commission.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), provides:

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

[illegible]

[illegible]

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

[illegible] CHAIRMAN.

[illegible] COMMISSIONER.

T. R. Macsimizzi COMMISSIONER.

Dated at Muskogee, Indian Territory,

this JUL 16 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEELEY
C. R. BRECKINRIDGE

ALLISON L. ASHLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER NAME AT TOP OF LETTER

Cherokee D-602.

Muskogee, Indian Territory, July 16, 1902.

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

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Charles E. Shufeldt for the enrollment of himself and his two children, Charles A. and Dora A. Shufeldt, as citizens by Shawnee blood of the Cherokee Nation.

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

Respectfully,

Acting Chairman.

Inc. H-42.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 602.

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Charles E. Shufeldt for the enrollment of himself and his two minor children, Charles A. and Dora A. Shufeldt, as citizens by Shawnee blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

N 6

IN THE MATTER OF THE APPLICATION OF

Charles A. Shufeldt

FOR ENROLLMENT AS

# CHEROKEE CITIZENS.

Transferred to R-685

A Original Testimony Oct 16/1900

B Memo of application Oct 16/1900

C Notice of final Consideration, 3/5/02

D Receipt for testimony

E

F

G

H copy of marriage license &

I cert

J Cert of

K See Cherokee Intermarriage

L Supplemental testimony, 3/5/02

M Birth affidavit, Charles A. Shufeldt

N Birth affidavit, Dora A. Shufeldt

O

Cher D 603

Doubtful as to husband Ben Estes.

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

In the matter of the application of Lorena T. Estes, for the enrollment of herself and husband as Cherokee Citizens. She being duly sworn before the Commission testified as follows-

What is your name? A. Lorena T. Estes.
Q How old are you? A. 34.
Q What is your post office? A. Allowee.
Q Do you live in Choweescoowee district? A. Yes sir.
Q Who is that you want put on the roll? A. Myself and husband.
Q Any children? A. No sir.
Q Are you a Cherokee by blood? A. Doleware.
Q What is your husband? A. White.
Q How long have you lived in the Chrokee Nation? A. Ever since '7
Q Gibe me the name of your father? A. Nelson J. Tanner.
Q Is he dead or alive? A. Dead.
Q Give me the name of your mother? A. Rachel A. Tanner.
Q. Is she dead? A. Yes sir.
Q Were you ever married except to your present husband? A. Yes sir.
Q More than once before this? A. No sir only once before.
Q What was your first husbands name? A. Adolph Zubar.
Q What was he, a white man? A. Yes sir.
Q Is he dead? A. I cannot tell you that.
Q When were you married to him? A. In 1884.
Q How long did you live with him? A. 3 months.
Q Did you get a divorce from him ? A. Yes sir.
Q Have you a copy of the decree of divorce? A. No sir.
Q Are you on the 1880 roll? A. Yes sir.
Q What name have you on that roll? A. Tanner.
Q Give me tha name of your present husband? A. Benjamin Estes.
Q How old is he? A. 39.
Q Have you your marriage license and certificate? A. Yes sir.
Q Let me see them .
The applicant presents a marriage license ~~xxxxxxxxxxxx~~ issued by the clerk of Cooweescoowee district January 5th 1886, authorising the marriage between herself as Mrs. Lorena Tanner and Mr. B. H. Estes. The certificate shows that they were united in marriage on this date by the Rev. James J. Dodd. These papers are filed herewith.
Q Was your husband ever married except to you? A. Yes sir.
Q To whom was he married first? A. I dont know the lady she was an Arkansas woman.
Q When was he married to her? A. I cannot tell you.
Q Was she dead at the time that he married you? A. Yes sir.
Q Had they ever been divorced? A. No sir.
Q Had death ~~xxxxxxxx~~ terminated their marriage? A. No sir they had been seperated but she had died a year before we were Married.
Q Is your husband here? A. Yes sir.he is somewhere round here.
Q Is that your husband? A. Yes sir.

| | | | | | | |
|---|---|---|---|---|---|---|
| 1880 roll, | page, | 185, | No. | 3884, | Luisa Tanner, | Cooweescoowee, Adpt.Del |
| 1896 | " | " | 367 | " | 353 | Lorina T. Estes " |
| 1896 | " | " | 303 | " | 331 | Ben Estes, " |

Q. Has your husband lived with you ever seince you were married to him? A. Yes sir.
Q And you have both lived in the Cherokee Nation since then? A. Yes sir.

~~xxx Estes~~ called as a witness,sworn before the Commission and testified as follows:

Q What is your name? A. Ben Estes.
Q How old are you? A. 39.
Q You are the husband of this lady here are you? A. Yes sir.

Q Were you ever married prior to your marriage to her? A. Yes sir.
Q To whom were you married the first time? A. To Miss Jennie Music.
Q Where were you married to her?A Arkansas.
Q What part of Arkansas? A. Marionville
Q When were you married to her? A. I dont remember the exact date
Q Is she dead? A, Yes sir.
Q When did she die? A. 1883
Q Did you and she live together as man and wife until her death?
A No sir.
Q Where did she die, in Marrion County? A. Yes sir.

To the applicant by Commissioner Breckinridge-

Q You say that you have not a copy of the proceedings for divorce or of the decree of the divorce from your first husband? A. No sir.

The applicant applies for the enrollment of herself and husband. She is identified on the rolls of 1880 and 1896 as an adopted Deleware. She has lived in the Cherokee Nation for the past 26 years and she will be listed now for enrollment as an Adopted Deleware.
Her husband is shown to have married her in accordance with the laws of the Cherokee Nation in the year 1886; he appears during the progress of this application and they both testify that they have lived together and in the Cherokee Nation ever since their marriage. He is identified on the roll of 1896. He was previously married and states that his wife was dead when he married his present wife, the applicant herein. Applicant was married before the she married her present husband but states that she had been divorced from her first husband, but does not produce satisfactory evidence as to her divorce, and the right of her present husband to enrollment will depend upon the establishment of a proper divorce between the applicant and her first husband. His application therefore will be placed on a doubtful card,he being classed as a citizen by intermarriage, to await the production of a decree of divorce between the applicant and her first husband.

Chas. von Weise being sworn states that as stenigrapher to the Commission to the Five Civilized tribes he reported in full all the proceedings in that above entitled cause and that the foregoing is a true, correct and complete transcript of his stenographic notes taken in said proceedings.

Chas von Weise

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

Commissioner.

40683

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

SUPPLEMENTAL TESTIMONY [illegible] in the matter of the application of [illegible] for the enrollment of himself as a Cherokee citizen.

Appearances:
W. H. Lawson, Vinita, I. T., attorney for applicant;
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, W. H. Lawson, Vinita, Indian Territory.

WILLIAM [illegible], being first duly sworn, and being examined, testified as follows:
BY W. H. LAWSON:
Q What is your name? A William [illegible]
Q Where do you live? A Claremore, Indian Territory.
Q Were you acquainted with [illegible] now [illegible]? A Yes sir.
Q Were you acquainted [illegible] A Yes sir.
Q Were you present in court when [illegible] Zubers and [illegible] came up for trial? [illegible]
Q Where was it? A Claremore.
Q Do you know whether there was a divorce granted? A Yes sir.
Q And [illegible] for the divorce in that court [illegible] Zubers [illegible]
Q And the divorce was granted [illegible] A [illegible]
BY MR. HASTINGS:
Q Is that the present wife of [illegible] A Yes sir, [illegible] wife of [illegible]
Q [illegible] granted before [illegible] and [illegible] married? A [illegible]
Q You know that? A Yes sir.
BY COMMISSION OF MR. LAWSON: Do you, as attorney for the applicant, submit the case? A Yes sir.

BY COMMISSION: The attorney for the applicant [illegible] the applicant and the attorney for the Cherokee Nation [illegible] of the Cherokee Nation submit this case [illegible] closed and submitted to the Commission for final decision, and upon the evidence now of record.

The attorney for the applicant files [illegible] one copy with the Commission and one copy with [illegible] in the case [illegible]

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I, [illegible], on oath state that as stenographer to the Commission to the Five Civilized Tribes I reported the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR [illegible] 1902

"R"

Cherokee D 603

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Ben Estes for the enrollment of himself as a Cherokee citizen.

Appearances:
E.B.Lawson, Nowata, I. T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March,1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 5th day of March,1902, appears by his attorney, E.B.Lawson, Nowata, Indian Territory.

WILLIAM NAIRN, being first duly sworn, and being examined testified as follows:

BY MR. LAWSON:

Q What is your name? A William Nairn.
Q Where do you live? A Coody's Bluff, Indian Territory.
Q Were you acquainted with Lorena Zubarr, now Lorena Estes?
A Yes sir.
Q Were you acquainted with Adolph Zubarr? A Yes sir.
Q Were youpresent in court when Lorena Zubarr and Adolph Zubarr case came up for trial? A Yes sir.
Q Where was it tried? A Claremore.
Q Do you knew whether there was a divorce granted? A Yes sir.
Q Who sued for the divorce in that case? A Mrs. Lorena Zubarr.
Q And the divorce was grantedon her petition then? A Yes sir.

BY MR. HASTINGS:

Q Is that the present wife of Ben Estes? A Yes sir, the present wife of Ben Estes.
Q This divorce granted before she and Estes married? A Yes sir.
Q You know that? A Yes sir.

BY COMMISSION OF MR. LAWSON: Do you, in behalf of the applicant, submit the case? A Yes sir.

BY COMMISSION: The attorney for the applicant on behalf of the applicant and the attorney for the Cherokee Nation on behalf of the Cherokee Nation submit the case; same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

The attorney for the applicant files brief, in the case, one copy with the Commission and one copy with the attorney for the Cherokee nation.

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

M D Green

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 30th, 1902.

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In the matter of the application of Ben Estes for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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Supplemental to D-603.

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Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

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BEN ESTES, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A. Ben Estes.
Q. What is your post office? A. Nowater.
Q. AHow old are you at this time? A. 41.
Q. Are you the same Ben Estes for whom application was made October 16th, 1900, to this commission for enrollment as an intermarried citizen? A. Yes, sir.
Q. What is your wife's name? A. Larena.
Q. Is she a citizen of the Cherokee Nation by blood? A. No, sir; she is Delaware.
Q. Citizen of the Cherokee Nation of Delaware blood? A. Yes, sir.
Q. When were you and she married? A. '84.
Q. Were you ever married previous to your marriage to her?
A. Yes, sir.
Q. How many times? A. Once.
Q. Was that wife living or dead? A. Dead.
Q. Was she ever married previous to her marriage to you?
A. Yes, sir.
Q. How many times had she been married? A. Once.
Q. Was that husband living or dead? A. Living.
Q. Living? A. Yes, sir; the last time I heard of him 7 or 8 years ago.
Q. Were they divorced? A. Yes, sir.
Q. Have you filed a decree of divorce? A. I sent witnesses down here. Mr. Dawson, he got all the papers.
Q. You have never been separated? A. No, sir.
Q. You were never married to any other woman since your marriage to this woman? A. No, sir.
Q. Were you living together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. 18 years.
Q. All the time for the last 18 years? A. Yes, sir.
Q. How long has your wife been here? A. Ever since the Delawares came to this country. I don't know how long.
Q. Has she lived in the Cherokee Nation since 1880 up to the present time? A. Yes, sir.
Q. Never lived any where else since 1880? A. No, sir.
Q. How many children have you? A. None at all.
Q. Your wife is living at this time, is she? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that he is stenographer to the Bankruptcy Court in the Eastern District of [illegible] and that he reported the above entitled case [illegible] and that the foregoing is a true and complete transcript of the proceedings had therein.

Jesse O. Carr

Subscribed and sworn to before me this 14th day of October, 1926.

B. O. Jones
Notary Public.

Before The Hon. Dawes Commission sitting at Muskogee, Ind. Ter.

In the matter of the enrollment of Ben Estes as a citizen of the Cherokee Nation, Indian Territory.

Brief on the part of the Applicant.

Comes now Ben Estes and represents to this Commission that he was married to Mrs. Lorena Tanner on January 5" 1886 in accordance with the Laws of the Cherokee Nation; that the name of his said Wife can be found on the 1880 roll page 185 as number 2884, and that the name of his said Wife, Lorena T. Estes, can be found on the 1896 roll, page 367 as number 233, and that the name of this applicant can be found on the 1896 roll on page 303 as number 331.

The only question is in this case is was Lorena T. Estes, Wife of Applicant divorced from her former Husband, Adolph Zubar.

The testimony of Lorena T. Estes shows that she was divorced from Zubar prior to her marriage to Estes, and there is filed in this case a certified copy of the Court record showing that in the case of Lorena T. Zubar against Adolph Zubar, the issues were found in favor of the plaintiff, Lorena T. Zubar; this is all that the record shows, but the Witness, William Nairn testifies when the divorce case was tried and that divorce was granted to Lorena T. Zubar, and that the records supplied to your Commission, were the records of the divorce proceedings.

We contend that the Applicant should be enrolled as an adopted Delaware, by intermarriage, and no evidence has been introduced by the Cherokee Nation to show that he should not be so enrolled.

E. B. Lawson
Attorney for the applicant.

Cherokee-D-668

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lorena T. Estes for the enrollment of her husband, Benjamin Estes, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 16, 1900, Lorena T. Estes appeared before the Commission at Nowata, Indian Territory, and then and there made personal application for the enrollment of herself as a citizen by Delaware blood of the Cherokee Nation, and for the enrollment of her husband, Benjamin Estes, as a citizen by intermarriage of the Cherokee Nation. Lorena T. Estes has been listed on Delaware Roll Card Field No. 227. Further testimony was submitted in this case on March 5, 1902 at Muskogee, Indian Territory.

It appears from the evidence in support of this application that Lorena T. Estes is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Luisa Tanner, age fourteen years. She appears on that roll in the family of her father and mother. She is also identified on the 1896 Census Roll of the Cherokee Nation. She was lawfully married to Benjamin Estes, a white man, on January 6,1886 under authority of a Cherokee marriage license. It further appears that she was married to Adolph Zubar previous to her marriage to Benjamin Estes, and that she procured a divorce from Adolph Zubar prior to her marriage to Benjamin Estes. Benjamin Estes is identified on the 1896 Census Roll of the Cherokee Nation.

The authority of the Commission herein is defined in Par. 1, Sec.21, of the act of Congress, June 28, 1898(30 Stats.,495).

It is therefore the opinion of this Commission that Benjamin Estes is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and

Cherokee-D-603

that the application for his enrollment as such should be granted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D 603.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Benjamin Estes for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 57.

IN THE MATTER OF THE APPLICATION OF

Ben Estes

OF THE

CHEROKEE NATION.

A Original testimony Oct 16/1900
B. Memo of application Oct 16/1900
C. Marriage license & certificate.
D Certified copy of partial record of divorce case
E Letter accompanying said copy.
F Certified copy of complete record in divorce case
G Notice of final consideration, 3/5/02
H

Recd

Sel. Dismiss

Confidential

OCT 26 1907

Cher D 604

COMM

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

In the matterof the application of William C. Dawson for the enrollment of himself and wife as Cherokee Citizens. He being duly sworn testified as follows-

Q What is your name? A. William C. Dawson.
Q How old are you? 33.
Q What is your post office Talala.
Q Is Chowesscowee your district? A. Yes sir.
Q Who is it that you want enrolled? A. Myself and wife
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your wife a Cherokee by blood? A. No sir a white woman.
Q How long have you lived in the Cherokee Nation? A. Since 1883.
Q Were you admitted to citizenship by the Cherokee Commission? A. Yes sir my father was.
Q Let me see your certificate.
The applicant presents an official copy of the records of he Cherokee Commission showing that on January 11th 1883 certain persons were admitted to Cherokee Citizenship, ( Q. What was the name of your father? A. Elbert Dawson) and named among other persons one Elbert Dawson. This is recognized as official evidence of th facts stated.
Q Give me your mothers name? A. Jane.
( The document quoted is returned to applicant)

Q How did your father come here when he was admitted in 1883? A. Yes sir.
Q Was he here at the time that he was admitted? A. I dont know.
Q When did you come here? A. In 1883 and then went backto Texas and came back in 1884 and have lived here ever since.
Q Have your father and mother also lived here the same length of time that you have? A He moved his family here in 1885, but he came here in 1883 and then again in 1884 he moved his stock here in that year, and then went back and moved his younger children in 1885, I came with the stock in 1884.
Q Is your father living? A No sir he is dead.
Q Is your mother living? A. Yes sir.
Q Is your mother a white woman? A. Yes sir.
Q Was she ever married before she married your father? A. No sir.
Q Was he ever married before he married your mother. ? A. No sir.
Q When were they married? A. In the '50's
Q When did your father die? A. January 1st 1899.
Q Give me the name of your wife? A. Alice.
Q How old is she? 32.
Q When did you marry her? A. 18th of November, 1886
Q Have you a certificateof marriage? A. Just got one from the preacher. ( Here applicant presents a paper which the Commissioner examining him read and says in only an affidavit)
Q What was your wifes name when you married her? A. Alexander
Q Was she ever married before you married her? A . No sir.
Q Alexander was her maiden name? A. Yes sir.
Q Were you ever married before you married her? A. No sir.
Q Have you lived with her ever since you married her? A. Yes sir.
Q Your wife is not on the roll of 1896? A. She ought to be we have been on all the rolls since 1886
Q Her only claim to Cherokee citizenship is by reason of her marriage to you is it not? A. Yes sir.
1894 roll, page 178, No. 1316, Wm. C Dawson, Coowesscoowee,
Q How comes it that neither you nor your wife were enrolled in 1896?
Q We were enrolled but they scratched us off the roll.
Q How did you get scratched off the roll? A. They claim that we were admitted by fraud in 1883

FRANCIS M. DAWSON called as a witness, sworn and examined.

Q What is your full name? A. Francis M. Dawson.
Q How old are you? A. 58.
Q What is your post office ? Seeola.
Q Do you know the applicant here? A. Yes sir.

Q Do you know his wife? A. Yes sir.
Q What is her name? A. Alice.
Q When did she marry him? A. Good while ago.
Q Was it as mush as 13 or 14 years ago? A. Yes sir.
Q Were either of them ever married before? A, No sir.
Q She was an Alexander before she married him? A. Yes sir.
Q Have they lived together ever since their marriage and in the Cherokee Nation? A. Yes sir.

The applicant applies for the enrollment of himself and wife. He is shown to have been admitted to Cerokee citizenship in the year 1883. He is identified on the 1894 roll, but he is not identified on the roll of 1896. He testified himself that objection was made to his enrollment in 1896 on the ground that the original admission of his father was by fraud, and that this ground was set up as an opposition to his enrollment in 1896 by the Cherokee Nation and the same objection is made the ground of the protest entered to his enrollment at this time by the Cherokee representative present. He states that he has lived in the Cherokee Nation since his admission and he will be placed upon a doubtful card until such time as satisfactory evidence is presented to the Commission as to the admission of his father in 1883. His wife is shown be satisfactory testimony to have been married to him in 1886. She is not identified on the roll of 1896. It is shown that neither of themwere ever married before. She has lived with him ever since her marriage and she will be placed on a doubtful card as an intermarried citizen He being placed thereon as a Cherokee by blood. The final decision of the Commission as to this application will be made known to the applicant at his post office address.

Chas. von Weise being sworn states that as stenographer to the Commission to the Fice Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a true, correct and complete transcript of his stenographic notes taken in said proceeding.

Chas von Weise

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

J. B. Milam

Commissioner.

Cherc. D-604.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1903.

In the matter of the application of William C. Dawson for the enrollment of himself and wife as citizens of the Cherokee Nation.

Francis Marion Dawson, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Nearly 60 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with William C. Dawson, the applicant in this case? A Yes sir.
Q Do you know his wife Alice? A Yes sir.
Q Is she a Cherokee or a white woman? A She is a white woman.
Q Do you know anything about their marriage? A I wasn't at the wedding; they were married and are living together as man and wife and have been for years.
Q Do you know about when they were married? A I know pretty near it; they were living at Vinita about — let me study on that; they were married about '86 or '7, I can't say exactly when.
Q Did they continue to live together from the time of their marriage until the present time? A Yes sir.
Q Are they living together now? A Yes sir.
Q Are they generally recognized as man and wife throughout the community? A Yes sir.
Q Now William C. Dawson is the child of your brother by his wife Jane? A Yes sir.
Q Elbert Dawson is his father? A Yes sir.
Q Jane Dawson is the mother? A Yes sir.
Q Do you know anything about the marriage of Elbert Dawson and Jane Dawson? A He brought her home to my father's; they were married on day and brought her home the next day.
Q Did they continue to live together as man and wife until the death of Elbert Dawson? A Yes sir.
Q Generally recognized as man and wife throughout the community?
A Yes sir.

—o—

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

E. Rothwell

ACTING CHAIRMAN

Cherokee D 604.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 10, 1902.

In the matter of the application of William C. Dawson for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Alice Dawson, as a citizen by intermarriage, of the Cherokee Nation.

Supplemental Proceedings.

WILLIAM C. DAWSON, being sworn, testified as follows:

By the Commission,

Q What is your name, Mr. Dawson? A William C. Dawson.
Q What is your age at this time? A About thirty-five.
Q What's your postoffice? A Talala, Cherokee Nation.
Q Are you the same William C. Dawson that made application for enrollment as a citizen by blood of the Cherokee Nation in October 16, 1900? A Yes, sir.
Q And at the same time made application for the enrollment of your wife as an intermarried citizen? A I suppose about that time.
Q What is your wife's name? A Alice.
Q Is she a white person? A Yes, sir.
Q What's her age at this time? A Thirty-four, I think.
Q When were you married to your wife, Alice? A November, '86.
Q November, '86? A Yes, sir, that's my recollection.
Q Had you ever been married prior to your marriage to your wife, Alice? A No, sir.
Q Had she ever been married prior to her marriage to you? A No, sir.
Q You are her first husband? A Yes, sir.
Q She's your first wife? A Yes, sir.
Q Have you and she lived together as husband and wife from the time of your marriage up to the present time? A Yes, sir.
Q You never have been separated? A No, sir.
Q She has never been married to any other man since her marriage to you? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I settled there in '84.
Q Has your wife lived with you all the time in the Cherokee Nation since her marriage to you in '86? A Yes, sir.
Q Got no children? A No.

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

Retta Chick

Subscribed and swern to before me this day of October, 1902.

Notary Public.

D. 604

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 . 190 .

Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

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.

# NOTICE!

*IN THE MATTER OF* the application of [illegible]
for enrollment as Cherokee citizens:

Case No. D 605

To Robert L. Dawson Talala 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 **Muskogee, I. T.** Indian Territory, on March 17, 1902. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 10, 1902.

W. W. Hardin

Attorneys for the Cherokee Nation.

D. 604

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 , 190 .

.....

Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

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.

# NOTICE!

*IN THE MATTER OF* the application of William C. Dawson et al for enrollment as Cherokee citizens:

Case No. D 604

To William C. Dawson et al Talala 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 **Muskogee, I. T.** Indian Territory, on March, 17, 1902, or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 10, 1902.

N. N. Hardin

Attorneys for the Cherokee Nation.

CHEROKEE.

Alice ~~William~~ le Dawson

1W

April 12, 1904 No 1 transferred to Cherokee No 10727

COPY OF TESTIMONY FILED WITH THE CHEROKEE NATION.

OCT 25 1909 Cancelled and transferred to Cherokee P-1134.

See D 304

END
OF
ROLL


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